

MAY-11-2001 FRI 09:48 AM MAYERS, MENNIES, & SHERR

FAX NO. 16108256555

P. 14

10

February 7, 2000
Meeting called to order by Chairman Weiler
Minutes approved as read

Treasurer's report approved as read

The Board appointed two new auditors - Lucille Yutzy and Sondra Amrstrong

The Fireman presented a list - Fireman trained in Hazardous Materials Operations and Incident Commanders - Fireman driving under Red Lights and Sirens and Blue Lights. And a List of Fireman and their Drivers License's.

Denny Grandthal presented a copy of the concerns and opinions of the Taxpayers Associations On the proposed Subdivision Ordinances.

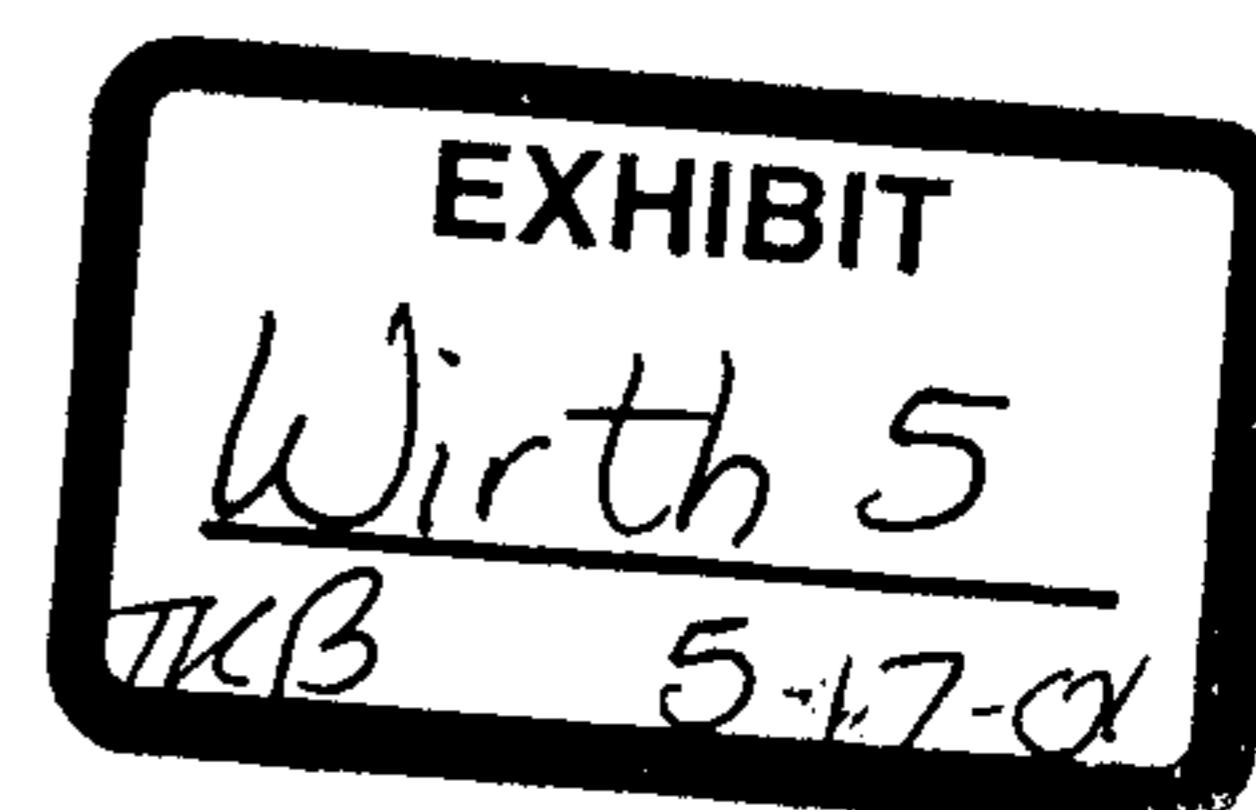
Fire Chief Chris Wilson ask if the proposed sub-division ordinance had addressed the width of the roads with the Fireman trucks in mind and he was assured that all the proposed streets will be wide enough to get the fire trucks in and out and turn them around.

Roadmaster had a few complaints about snow removal but he felt that we have worked out the problems and things are going well.

David Corneal ask if the Supervisors would approve a sub-division on Sawmill road, all three supervisors told him that we are not approving any sub-division at this time and that it had been announced at the January meeting. He ask if he could submit his sub-division to the County and when we are ready would be a head of the game and he was told that he could do so but that the Township had the final approval of all sub-divisions.

Meeting adj 7:50PM

Ann Lanzell



11

January 4, 2000

Regular Meeting Opened at 7:10PM

Meeting called to order by Chairman Weiler at 7:00 PM

Minutes approved

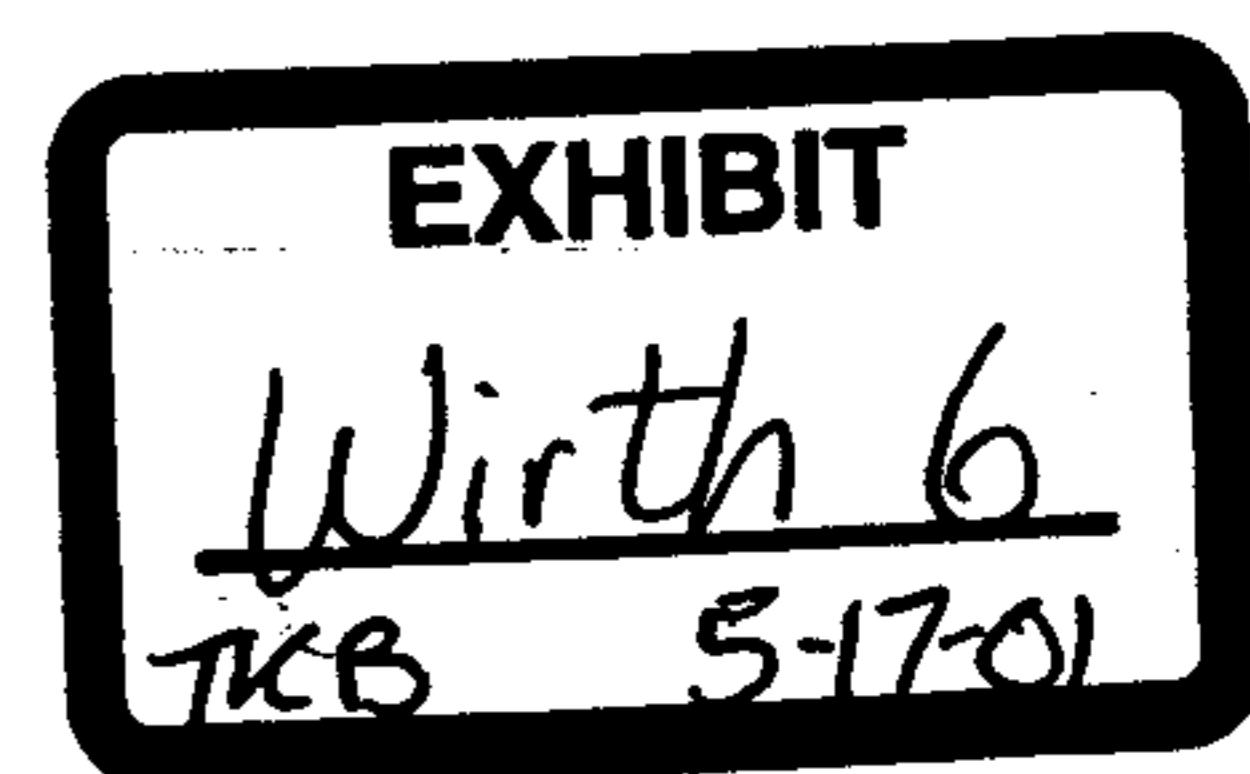
Treasurer report approved as read

The Supervisor's stated that no more sub-divisions will be approved until after the proposed Sub-Division ordinance for the Township has been approved. As soon as we get the review from the Planning commission and any changes that the Supervisors feel need to be made copies will be made available to the Public and a Public meeting will be held. It was stated that the County is now doing a "boiler plate" sub-division ordinance for those Township's who want it, but Jackson Township has already put a lot of time into the purpose ordinance and it was felt it was in the best interest of the Township to proceed with the ordinance that the Supervisor's have decided on.

Tom Wilson the Roadmaster stated that New Enterprise would fix Miller road To our satisfaction in the spring. He hopes to get bids on Sawmill & Yoder for sealing this summer depending on the price and how much money we have at the time.

Meeting was adj. at 7:35PM

June 26th - Will public meeting re: subdivision Ord be kept to
Time?



NEWTON, LAWRENCE
06/12/01

CORNEAL VS JACKSON TOWNSHIP

12

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
3 DAVID B. CORNEAL and SANDRA :
4 Y. CORNEAL, :
5 PLAINTIFFS :
6 VS : NO. 1:CV-00-1192
7 :
8 JACKSON TOWNSHIP, HUNTINGDON :
9 COUNTY, PENNSYLVANIA; W. :
10 THOMAS WILSON, individually :
11 and in his official capacity :
12 as Supervisor of Jackson :
13 Township; MICHAEL YODER, :
14 individually and in his :
15 official capacity as :
16 Supervisor of Jackson :
17 Township; RALPH WEILER, :
18 individually and in his :
19 official capacity as :
20 Supervisor of Jackson :
21 Township; BARRY PARKS, :
22 individually and in his :
23 official capacity as Sewage :
24 Enforcement Officer of :
25 Jackson Township; DAVID :
26 VAN DOMMELEN, individually :
27 and in his official capacity :
28 as Building Permit Officer; :
29 ANN L. WIRTH, individually :
30 and in her official capacity :
31 as Secretary of Jackson :
32 Township; and LARRY NEWTON, :
33 individually and in his :
34 official capacity as :
35 Solicitor to Jackson :
36 Township,
37 DEFENDANTS :
38 DEPOSITION OF: LAWRENCE L. NEWTON
39 TAKEN BY: PLAINTIFFS
40 BEFORE: TERESA K. BEAR, REPORTER
41 NOTARY PUBLIC
42 DATE: JUNE 12, 2001, 9:42 A.M.
43 PLACE: ECKERT SEAMANS
44 213 MARKET STREET
45 HARRISBURG, PENNSYLVANIA

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|---|---|
| 1 APPEARANCES: 2 ECKERT SEAMANS 3 BY: BRIDGET E. MONTGOMERY, ESQUIRE 4 LESLIE A. MALADY, ESQUIRE 5 FOR - PLAINTIFFS 5 MAYER, MENNIES & SHERR, LLP 6 BY: ANTHONY R. SHERR, ESQUIRE 6 FOR - ALL DEFENDANTS EXCEPT NEWTON 7 THOMAS, THOMAS & HAVER 8 BY: MICHELE J. THORP, ESQUIRE 9 FOR - DEFENDANT - RALPH WEILER 10 METTE, EVANS & WOODSIDE 11 BY: KATHRYN LEASE SIMPSON, ESQUIRE 11 FOR - DEFENDANT - LARRY NEWTON 12 ALSO PRESENT: 13 DAVID B. CORNEAL 14 15 16 17 18 19 20 21 22 23 24 25 | 2 1 LAWRENCE L. NEWTON, called as a witness, being 2 sworn, testified as follows: 3 4 DIRECT EXAMINATION 5 6 BY MS. MONTGOMERY: 7 Q Mr. Newton, we've just met, but for the record 8 I'll identify myself. My name is Bridget Montgomery and I 9 represent the Corneals in this litigation. Would you just 10 state your name for the record. 11 A Lawrence, L-a-w-r-e-n-c-e, middle initial L., 12 Newton, N-e-w-t-o-n. 13 Q Where do you live, Mr. Newton? 14 A I live at 2111 Moore Street, Huntingdon, 15 Pennsylvania. 16 Q How long have you lived there? 17 A Since July of 1981. 18 Q Are you a native of Huntingdon? 19 A No, I'm not. 20 Q Where are you a native of? 21 A I grew up in Latrobe, Pennsylvania. 22 Q What county is that? 23 A Westmoreland. 24 Q Out in the western part of the state? 25 A Yes. |
| 1 TABLE OF CONTENTS 2 WITNESS 3 FOR PLAINTIFFS DIRECT 4 Lawrence L. Newton By Ms. Montgomery 4 5 6 EXHIBITS 7 NEWTON EXHIBIT NO. PRODUCED AND MARKED 8 1 - Notice 33 9 2 - Minutes dated 1/4/00 48 10 3 - Letter dated 1/31/00 68 11 4 - Letter dated 8/18/00 77 12 5 - Letter dated 7/28/00 80 13 6 - Letter dated 5/5/00 81 14 7 - Letter dated 5/5/00 84 15 8 - Notice 99 16 9 - Bill dated 12/28/99 103 17 10 - Letter dated 8/3/00 106 18 11 - Letter dated 8/31/00 with enclosures 109 19 12 - Letter dated 9/1/00 with enclosures 112 20 13 - Letter dated 10/10/00 113 21 14 - Letter dated 11/10/00 121 22 15 - Invoice dated 8/4/00 126 23 16 - Letter dated 8/29/00 147 24 25 | 3 1 Q And what is your current occupation? 2 A I'm an attorney. 3 Q Are you in private practice? 4 A Yes, I am. 5 Q And what is the business address of your law 6 practice? 7 A 504 Penn Street, Huntingdon, Pennsylvania. 8 Q Even though you are an attorney, I was going 9 to dispense with all of these instructions, but I think 10 we're going to need to go through them. Have you ever been 11 deposed before? 12 A No, I haven't. 13 Q Okay. You know the general instructions? 14 A Yes. 15 Q First of all, that you really need to let me 16 finish my question and I'll try to let you finish your 17 answer so that we're not talking over each other, just for 18 the benefit of the court reporter. 19 I'll give you an instruction that I need to 20 mind myself. We need to talk slow enough for the court 21 reporter to take us down. I tend to go too fast and Michele 22 was good about reminding me that I'm going too fast. So is 23 there any reason why you can't give your deposition today? 24 A None whatsoever. 25 Q You're not on any sort of medication or |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|---|---|
| 6 | 8 |
| 1 anything that would prevent you from understanding my 2 questions and giving answers? 3 A No. 4 Q Obviously if you need to take a break for your 5 own comfort or convenience, you can do that. There's water 6 here if you need it, coffee, whatever you'd like. 7 Now, we'll go back to your employment. I 8 think you just gave us your business address, correct? 9 A That's correct. 10 Q Are you in practice alone? 11 A Yes. 12 Q Do you occupy that space alone? 13 A No. 14 Q Who occupies the space with you? 15 A There's another attorney, Harvey B. Reeder, 16 and a psychologist, Lynn E. Kagarise. 17 Q Do you have -- what is it, a three office 18 space or more? 19 A Well, we have -- we have more space. We have 20 a conference room downstairs. Mr. Reeder and I share part 21 of the second floor. We each have an office. There is a 22 library and another conference room. Mr. Kagarise is in the 23 second floor rear. There is an office that he has and 24 secretarial staff. 25 Q So you have your actual office space on the | 1 Q Any other shared space? 2 A No. 3 Q You both are able to use the conference room 4 or was it rooms -- room or rooms on the first floor? 5 A Room. There's a kitchen area in the back of 6 the first floor. 7 Q How long has Mr. Reeder shared this space with 8 you? 9 A We purchased the building approximately five 10 years ago. So at that location approximately five years. 11 Q Did you previously share office space with 12 him? 13 A Yes. 14 Q In another location? 15 A Yes. 16 Q Where was that? 17 A 331 Penn Street, Huntingdon. 18 Q Also in Huntingdon? 19 A Yes. 20 Q And how long did you share office space with 21 him there? 22 A Well, there was another -- at that time there 23 was another attorney that we practiced -- that I practiced 24 with by the name of Marshal B. DeForrest. 25 Q I'm sorry, I didn't hear that. |
| 7 | 9 |
| 1 second floor -- 2 A Yes. 3 Q -- and your conference room is on the first 4 floor? 5 A Yes. 6 Q You said that Mr. Reeder and you share part of 7 the second floor? 8 A Yes. 9 Q You have separate offices but one secretary? 10 A No, we each have our own secretary and we 11 share a secretary. 12 Q I see. So you have three secretaries 13 altogether? 14 A Yes, one of whom I employ and one of whom we 15 share the cost of. 16 Q I see. And the other whom he employs himself? 17 A Yes. 18 Q Do you have any other office staff? 19 A No. 20 Q And you have a library? 21 A Yes. 22 Q A law library? 23 A (Witness nods head affirmatively.) 24 Q Do you share that with Mr. Reeder? 25 A Yes. | 1 A Marshal B. DeForrest. 2 Q DeForrest? 3 A Yes. Mr. Reeder was sharing space at that 4 time as well. 5 Q I take it you're each sole practitioners? 6 A That's correct. 7 Q And Mr. DeForrest was a sole practitioner as 8 well? 9 A Yes, he was. Now, I helped him out. We were 10 sole practitioners, but he was -- he needed some help. He 11 was kind of phasing out of his practice and so I did various 12 tasks for him but we were never partners. 13 Q Do you have any sort of partnership or 14 corporate arrangement or anything like that with Mr. Reeder 15 at this time? 16 A I do not. I should say that we had a -- we 17 have a settlement company called Standing Stone Settlement 18 Company. We each are title agents for Old Republic. We do 19 not have a partnership regarding the settlement company. We 20 actually formed the settlement company because most title 21 carriers expected some minimum volume per year so we thought 22 if we combined and had a settlement company we could do this 23 together, but any settlement that I have through Standing 24 Stone is mine and any settlement he has is his. 25 Q Standing Stone is what? |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | | | |
|---|----|--|----|
| | 10 | | 12 |
| 1 A It's a fictitious name. | | 1 Q Do you share clients at all? I mean, do you | |
| 2 Q Oh, Standing Stone is the name of your | | 2 work on cases together or -- | |
| 3 title -- | | 3 A We've done that occasionally. Generally not. | |
| 4 A Standing Stone Settlement Company is a | | 4 Q In terms of proximity, how close are your | |
| 5 fictitious name, yes. | | 5 offices, yours and Mr. Reeder's? | |
| 6 Q And you said your title agent's through what? | | 6 A Right across the hall. | |
| 7 A Old Republic Title Company. | | 7 Q And your secretaries each sit outside your | |
| 8 Q Through Old Republic Title Company? | | 8 desks, your individual offices? | |
| 9 A (Witness nods head affirmatively.) | | 9 A No, the secretaries are all downstairs. | |
| 10 Q What about the real estate itself, do you own | | 10 Q The secretaries are on a separate floor? | |
| 11 it or rent it? | | 11 A If you go in the front door, our secretaries | |
| 12 A We own it. We have a real estate partnership, | | 12 are to the left and our receptionist is to the right. | |
| 13 Mr. Reeder and I and Mr. Kagarise, and then we each | | 13 Q Tell me a little bit about your education, | |
| 14 individually pay rent to the partnership. | | 14 where did you do your undergraduate work? | |
| 15 Q Understood. How long have you owned that | | 15 A Wittenberg University in Springfield, Ohio. | |
| 16 building with Mr. Reeder? | | 16 Q And what about your law degree? | |
| 17 A Since approximately five years ago. | | 17 A Case Western Reserve University in Cleveland, | |
| 18 Q Did you own the prior office? | | 18 Ohio. | |
| 19 A I did not. I believe Mr. DeForrest owned the | | 19 Q Do you have any other degrees? | |
| 20 building and then for a period of time I think Mr. Reeder | | 20 A I do not. | |
| 21 did, but I never had an ownership interest in 331 Penn | | 21 Q A JD is enough. | |
| 22 Street. | | 22 A That's enough. | |
| 23 Q Do you have one telephone number or two | | 23 Q Causes you enough problems in your life, | |
| 24 telephone numbers or what at this office? | | 24 right. Let's see, what about other types of certificates or | |
| 25 A Actually we have three lines. Technically my | | 25 anything like that? Do you have anything? | |
| | 11 | | 13 |
| 1 number is 643-3820 and Mr. Reeder's number is 643-3821. You | | 1 A I'm a title agent and that's all. | |
| 2 know, they both ring and our receptionist would answer | | 2 Q You said that. How does one become a title | |
| 3 either line. | | 3 agent, what do you do? | |
| 4 Q Is your receptionist your third shared | | 4 A Apply through the title company. | |
| 5 secretary? | | 5 Q You apply directly to -- | |
| 6 A Yes. | | 6 A You're approved through your title company. | |
| 7 Q Is there a third number as well? | | 7 Q There's no state requirement or anything like | |
| 8 A I don't believe so, no. There's just an extra | | 8 that? | |
| 9 line. | | 9 A There might be now. Not when I did it. When | |
| 10 Q There's just an extra line? | | 10 you are an attorney, you didn't have to take an exam and | |
| 11 A (Witness nods head affirmatively.) | | 11 that type of thing and I'm not sure that's the case now. | |
| 12 Q Is there one general number for the office or | | 12 Q So you have a fictitious name for your | |
| 13 just those two numbers? | | 13 settlement company? | |
| 14 A Those two numbers. | | 14 A Correct. | |
| 15 Q What about your fax, do you share a fax? | | 15 Q Is it a corporation? | |
| 16 A We share a fax along with Mr. Kagarise. That | | 16 A No. | |
| 17 number is 643-5670. | | 17 Q It's a partnership? | |
| 18 Q I'm assuming you maintain malpractice | | 18 A Technically, no, it's not. | |
| 19 insurance? | | 19 Q It's not registered in any way -- | |
| 20 A Yes. | | 20 A It's registered as a fictitious name. | |
| 21 Q Do you maintain separate malpractice | | 21 Q It's not registered as a partnership or | |
| 22 insurance? | | 22 corporate entity in any way? | |
| 23 A Separate, yes. | | 23 A It's not, no. | |
| 24 Q You each are under your own? | | 24 Q Do you have some sort of insurance for that | |
| 25 A Um-hum. | | 25 settlement company? | |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|---|--|
| 14 | 16 |
| 1 A We have to purchase through our professional 2 liability carrier additional coverage for that. 3 Q Do you each purchase that separately or do you 4 purchase it together or what? 5 A We purchase it separately through our own 6 policies. Now, the -- we have to have a fidelity bond 7 through Standing Stone as a requirement of -- I think 8 Pennsylvania licensing requirements. 9 Q So you have a fidelity bond in the name of 10 Standing Stone -- 11 A Right. 12 Q -- which you two are the principals under 13 Standing Stone? 14 A Right. 15 Q But each of you through your own malpractice 16 insurance have additional insurance -- 17 A Yes. 18 Q -- for your title agent work? 19 A For our title agent, right. 20 Q Is a settlement company the same as a title 21 agency? 22 A Similar, yes. 23 Q I don't know if I asked you this, and I 24 apologize if I did, when did you set up the title company, 25 the settlement company? | 1 I Let's see, townships, Dublin, Carbon. 2 Q Is Carbon in Centre County? 3 A No, it's in Huntingdon County. These would 4 all be in Huntingdon County. Hopewell, Todd, Porter, West. 5 I think that's it. 6 Q Thanks. 7 A For boroughs, Huntingdon, Coalmont and 8 Shirleysburg. 9 Q And those are all in Huntingdon as well? 10 A Yes. 11 Q So when did you become the solicitor for 12 Jackson Township? 13 A I don't know. I would say approximately 15 14 years ago. 15 Q A long time, okay. How did that come about? 16 A I received a telephone call from the then 17 township secretary whose name was Leroy Koch. He asked me 18 if I would be interested and I said yes. 19 Q And you serve at the pleasure of the township 20 supervisors, correct? 21 A I do. 22 Q Is it an annual contract or an annual 23 appointment or what? 24 A I think it's an annual appointment. We never 25 have a contract. |
| 15 | 17 |
| | |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|---|--|
| 18 | 20 |
| 1 but sometimes the retainer has been \$150 a year. You're 2 smiling at me. 3 Q With Jackson Township, typically how much work 4 do you do for them a year? 5 A You know, it varies. I think last year I 6 probably billed them approximately a thousand dollars. 7 There was more activity last year than in most years. 8 Q Do you send them an invoice every month? 9 A No. 10 Q Just in months that you perform work? 11 A Or I will not send an invoice until the job is 12 done. 13 Q I see. Do you send them any sort of periodic 14 statement of account or anything like that? 15 A No. 16 Q So you say that last year there was more 17 activity than usual? 18 A Yes. 19 Q Without going into anything that doesn't have 20 to do with this lawsuit obviously, can you describe for me 21 -- I should say can you tell me whether the additional 22 activity is attributable to Mr. Corneal and his issues? 23 A No, I would say not. 24 Q No, okay. 25 A Well, after the lawsuit, yes. | 1 Q I see. 2 A But I certainly didn't have any real 3 draftsmanship with respect to the ordinance. 4 Q You said it was under consideration you think 5 for at least a year? 6 A Yes. 7 Q How do you know that? I mean, what is it that 8 occurred that -- 9 A Well, I can -- you know, from the time that 10 the supervisors got the Cambria County -- whatever township 11 in Cambria County adopted the ordinance. I would say at 12 least a year, maybe more. 13 Q Do you know who brought the idea of a 14 subdivision ordinance to the township officials? 15 A I do not. 16 Q Did they ever discuss with you why they 17 thought they needed to do a subdivision ordinance? 18 A Generally because Jackson borders Centre 19 County and they wanted to be ready -- if there was going to 20 be development in Jackson Township to be prepared for that 21 development. 22 Q Did they ask you for advice regarding whether 23 or not it was appropriate for them to enact a subdivision 24 ordinance or how to do it or anything like that? 25 A Not directly. You know, subdivision |
| 19 | 21 |
| | |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|---|--|
| <p>22</p> <p>1 Q Now, you said that you didn't have much hand 2 in drafting it. Were there a number of drafts, though, of 3 this subdivision ordinance?</p> <p>4 A Yes, there were.</p> <p>5 Q About how many do you think?</p> <p>6 A Several.</p> <p>7 Q Who was doing the drafting to your knowledge?</p> <p>8 A Well, as I said to you, I loaded it into the 9 computer and then I believe that the township got that on 10 disk and --</p> <p>11 Q From your computer?</p> <p>12 A Right. And then through the various review 13 processes, whether it be the county planning commission, 14 public input, whatever, then I believe the township actually 15 made the changes.</p> <p>16 Q Who at the township made them?</p> <p>17 A I assume it would have been Ann Wirth, the 18 township secretary.</p> <p>19 Q You mentioned I think public comment or 20 something just now. You said through the various changes.</p> <p>21 A Yes.</p> <p>22 Q What kind of public comment are you talking 23 about?</p> <p>24 A Well, I -- you know, the township is required 25 by statute to advertise and I know there was at least one</p> | <p>24</p> <p>1 same night, but I'm not positive.</p> <p>2 Q Oh, you think there was a separate meeting in 3 January --</p> <p>4 A I think there might have been, right.</p> <p>5 Q In January when they discussed the township 6 ordinance and when they passed the moratorium?</p> <p>7 A I'm really not sure if the meeting nights were 8 the same.</p> <p>9 Q Under the township code requirements, they 10 would have been required to advertise both of those 11 meetings, correct?</p> <p>12 A They did.</p> <p>13 Q They did advertise both meetings if there --</p> <p>14 A Well, the -- Jackson meets the first Monday of 15 the month and it's my understanding that there's one 16 advertisement that's placed in the newspaper concerning when 17 they meet for the whole year. If there is a special 18 meeting, that would be advertised.</p> <p>19 Q So they advertise their monthly meeting every 20 month; is that what you're saying?</p> <p>21 A No, that's not what I said.</p> <p>22 Q I'm sorry.</p> <p>23 A I believe they put one advertisement in the 24 newspaper setting forth when they will meet throughout the 25 year.</p> |
| <p>23</p> <p>1 public meeting, which I didn't attend, but, you know, there 2 were -- certainly residents of the township were interested 3 in the ordinance.</p> <p>4 Q Was that public meeting the meeting at which 5 they passed it?</p> <p>6 A No.</p> <p>7 Q What public meeting was that?</p> <p>8 A I know that there was a public meeting in 9 January of 2000.</p> <p>10 Q Where they discussed the subdivision 11 ordinance?</p> <p>12 A That was the purpose of the meeting. I wasn't 13 there.</p> <p>14 Q What about the meeting in July 2000 when they 15 passed the ordinance, were you there?</p> <p>16 A No.</p> <p>17 Q Did you know that they were going to pass the 18 ordinance?</p> <p>19 A Yes, I did.</p> <p>20 Q Now, in the January 2000 meeting isn't it 21 correct that they passed a moratorium -- or they attempted 22 to pass a moratorium on subdivisions --</p> <p>23 A Yes.</p> <p>24 Q -- in Jackson Township?</p> <p>25 A Yes. I don't believe those meetings were the</p> | <p>25</p> <p>1 Q I understand.</p> <p>2 A I don't do that, but that's my understanding 3 of what happens.</p> <p>4 Q Now, if they were going to do something other 5 than just the ordinary meeting, something like pass a 6 subdivision ordinance at a monthly meeting, would they then 7 be required to put an ad in --</p> <p>8 A Yes.</p> <p>9 Q Just let me finish for the record. Put an ad 10 in stating that that's what they were going to do?</p> <p>11 A Yes.</p> <p>12 Q And is that also true for the moratorium?</p> <p>13 A That I don't know.</p> <p>14 Q Let me ask you this: Did you know prior to 15 the time they passed the moratorium or attempted to pass it 16 in January 2000 that they were going to do so?</p> <p>17 A No.</p> <p>18 Q Did they seek your advice about doing so at 19 any time?</p> <p>20 A I received a phone call from Ann Wirth asking 21 me if it was permissible for a municipality to have a 22 moratorium on subdivisions. My response was I think so.</p> <p>23 Q Did they ask you whether it was permissible to 24 have a moratorium when there actually wasn't a subdivision ordinance in place? Did they ask you that specific</p> |

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|--|--|
| <p>26</p> <p>1 question?</p> <p>2 A They did not.</p> <p>3 Q They did not?</p> <p>4 A No.</p> <p>5 Q But at that time did you know that there 6 wasn't a subdivision ordinance in place?</p> <p>7 A Yes, obviously we were working on one.</p> <p>8 Q Did they follow up with you again after that 9 initial phone call from Ann Wirth about whether or not it 10 was appropriate to put a moratorium in place in that 11 situation?</p> <p>12 A I became aware that the moratorium was in 13 place.</p> <p>14 Q You became aware after it was done?</p> <p>15 A After it was done, right.</p> <p>16 Q Now, I take it -- you know, you testified 17 earlier that when they contacted you or when they sent you 18 something you understood that to be a request for your 19 guidance or advice or something like that. After you said I 20 think so, did you then go and do anything else to find out 21 whether it was appropriate for them to put a moratorium in 22 place in this --</p> <p>23 A I did not.</p> <p>24 Q When did she ask you this question? When did 25 Ann Wirth ask you whether it was appropriate for the</p> | <p>28</p> <p>1 Q Do you in fact know whether or not the 2 township supervisors advertised specifically prior to the 3 January meeting that they would be adopting a moratorium?</p> <p>4 A I do not know that.</p> <p>5 Q Did they ask you whether or not they were 6 required to advertise?</p> <p>7 A They did not.</p> <p>8 Q So after they adopted the moratorium, did you 9 have occasion to discuss with them the impact of it or the 10 legality of it or anything like that?</p> <p>11 A Not really until after the lawsuit was filed.</p> <p>12 Q Well, I think you testified a moment ago that, 13 you know, if they were going to do something like a 14 subdivision ordinance, they would need a period of public 15 comment or an advertisement or something like that. Did you 16 have any concerns that they would need the same thing for a 17 moratorium?</p> <p>18 A Well, perhaps I should have, but, you know, 19 again, I was just asked that question and really did not 20 follow it up further.</p> <p>21 Q So you had a general idea that they were going 22 to do the moratorium but you didn't know exactly when they 23 were going to do it?</p> <p>24 A Well, I really didn't know until after it was 25 done.</p> |
| <p>27</p> <p>1 township to put a moratorium in place?</p> <p>2 A I'm just guessing sometime in December.</p> <p>3 Q It was fairly close to the January meeting and 4 is that why you're guessing December?</p> <p>5 A Yes, sometime in December would be my 6 estimate.</p> <p>7 Q Now, after the moratorium was put in place, 8 did you understand that they were looking for guidance to 9 see whether or not the moratorium that they had put in place 10 was appropriate?</p> <p>11 A I don't think I was ever consulted about that 12 subsequent with respect to a specific question.</p> <p>13 Q The moratorium was never placed in writing, 14 correct?</p> <p>15 A Well, I believe it was adopted at a township 16 meeting.</p> <p>17 Q But there was no like official document that 18 says we hereby adopt a moratorium or anything like that?</p> <p>19 A I believe there is.</p> <p>20 Q Do you know where that is?</p> <p>21 A Well, I believe it was in the January minutes, 22 is what I'm referring to.</p> <p>23 Q Okay. So you're saying that the official 24 document consists of the January minutes?</p> <p>25 A To my understanding, yes.</p> | <p>29</p> <p>1 Q Do you keep time cards for your work for the 2 township?</p> <p>3 A No.</p> <p>4 Q How do you keep track of your time?</p> <p>5 A Sometimes that's difficult. I try to 6 reconstruct things. Generally I have not kept time records 7 for the township.</p> <p>8 Q So at the time that you decide that it's time 9 to bill them, you just try and remember what you did?</p> <p>10 A Pretty much.</p> <p>11 Q And you put it directly onto an invoice?</p> <p>12 A Yes. You lose a lot of time that way, by the 13 way.</p> <p>14 Q I know, we hear about that all the time in the 15 profession. So you don't have any records of time --</p> <p>16 A I don't.</p> <p>17 Q -- kept for -- the only records would be the 18 actual invoice that you send?</p> <p>19 A Correct.</p> <p>20 Q You do keep records of the invoices, however?</p> <p>21 A Yes.</p> <p>22 Q Did anybody ask you in connection with this 23 lawsuit to search your files for documents in response to a 24 request for production of documents from the Corneals?</p> <p>25 A I don't believe so.</p> |

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|----|----|
| 30 | 32 |
| 31 | 33 |

1 Q Not at any time ever?

2 A **Well, be more specific with your question.**

3 Q Okay. I will represent to you, and anybody

4 can object that wants to, that there was a request for

5 production of documents served upon the supervisors, the

6 township defendants, in September of 2000 which asked that

7 they or any of their agents or affiliates or, you know,

8 servants or whatever --

9 A **Okay, I did get a — I did get a phone inquiry**

10 **from Ann Wirth and she asked me if I had any record of the**

11 **public meeting, the advertisement of the public meeting**

12 **requesting comment on the subdivision ordinance.**

13 **Apparently— she may have called the Daily**

14 **News, which is our local paper, general circulation, and**

15 **they initially couldn't find anything. I, you know,**

16 **initially looked and I couldn't find anything. And what I**

17 **had done at her request is prepared an advertisement to be**

18 **placed in the Daily News.**

19 Q You did this when?

20 A **Well, I — I assume it would have been in**

21 **December because the — I'm not positive, but I think the**

22 **public meeting was on January 8th and I — you know,**

23 **basically I prepared the advertisement, gave it to the Daily**

24 **News and Ann couldn't find it. In any event, I called her**

25 **back and at the time I called her back the Daily News had**

1 if you want him to look at it.

2 MS. MONTGOMERY: Sure. Thank you.

3 THE WITNESS: Well, I'm wrong on the 8th

4 because I'm sure this wouldn't have been on a Saturday. It

5 might have been on the 6th.

6 BY MS. MONTGOMERY:

7 Q Well, we're going to look for a second through

8 our documents to see if we have anything that would, you

9 know, match up with the notice that you're talking about.

10 So you're saying that she then got that or told you that the

11 Daily News had located --

12 A **The Daily News had it, right. And I think she**

13 **said the Daily News had faxed it to her. So I think you**

14 **would have had it with your — with your document review.**

15 MS. MONTGOMERY: Excuse me a moment.

16 (Pause.)

17 BY MS. MONTGOMERY:

18 Q What about the July notice, did she -- well,

19 the notice for the July 10th meeting at which the

20 subdivision ordinance was passed --

21 A Yes.

22 Q -- did she contact you about that at all?

23 A **You mean at the time?**

24 Q Yes.

25 A Yes.

1 found the advertisement.

2 Q The advertisement for the January 8th meeting?

3 A **I believe it was January 8th.**

4 Q Now, are you saying that was a different

5 meeting than the regular monthly meeting?

6 A **Well, if you can tell me what day of the week**

7 **January 8th was —**

8 Q I think we can do that. When did she call you

9 and ask you whether or not you had any records of the public

10 meeting?

11 A **This would have been very -- very recently.**

12 Q In the last two weeks?

13 A **I would say yes.**

14 Q Was it in the last week?

15 A **Well, I think it was shortly before the time**

16 **you and Mr. Sherr were coming to her office to look at**

17 **documents.**

18 Q I see.

19 A **So if that's -- that's a good time reference,**

20 **it would have been before that, shortly before.**

21 Q Was that the first time that anybody contacted

22 you at all about producing documents in connection with this

23 lawsuit?

24 A **That I can recall.**

25 MS. SIMPSON: I have a January 2000 calendar

1 Q You mean prior to the time the subdivision

2 ordinance was passed?

3 A **Well, she would have contacted me at that time**

4 **to advertise that ordinance and I believe there were two**

5 **other ordinances that were being considered that evening.**

6 Q Did you draft the notice for the newspaper for

7 the ordinances that were to be passed --

8 A Yes.

9 Q -- at the July 10 meeting?

10 A Yes.

11 Q I'm going to show you something that we'll

12 mark as Newton Exhibit 1.

13 (Notice produced and marked as Newton Exhibit

14 No. 1.)

15 BY MS. MONTGOMERY:

16 Q First of all, I'd ask you to look at the

17 handwriting that is on this exhibit and I'll represent to

18 you that we got this -- well, you can see the fax legend is

19 from Mr. Sherr's office.

20 A Um-hum.

21 Q So we had this faxed to us on May 11th. Do

22 you know whose handwriting that is on the side?

23 A I do not.

24 Q It's not yours?

25 A No.

NEWTON, LAWRENCE
06/12/01CORNEAL VS
JACKSON TOWNSHIP

| | | | | |
|--|----|--|---|----|
| <p>1 Q Do you know what plus item number 3, January 2 2000 --</p> <p>3 A I have no idea what it means.</p> <p>4 Q -- minutes refers to?</p> <p>5 A I do not.</p> <p>6 Q Do you know what day of the week or what date 7 actually this notice was placed in the Daily record?</p> <p>8 A Daily News?</p> <p>9 Q Daily News.</p> <p>10 A I do not.</p> <p>11 Q From your memory do you have an estimate of 12 the time period when this was placed in the Daily News?</p> <p>13 A Well, it would have to have been placed at least seven days prior to the meeting. Other than that I don't know.</p> <p>16 Q Do you know whether that occurred?</p> <p>17 A I assume it did.</p> <p>18 Q Do you have a copy of this in your files that 19 would perhaps have a date on it?</p> <p>20 A I probably have a copy in my files, but I don't believe it would have a date on it.</p> <p>22 Q Does the --</p> <p>23 A The practice is -- when you take something to the Daily News, there's normally a two or three day lead time between the time you present it and when it's actually</p> | 34 | | <p>1 at the Daily News. Now, that wouldn't be part of the 2 ordinance necessarily, but it would be part of the township 3 record.</p> <p>4 Q Okay.</p> <p>5 MS. MONTGOMERY: Excuse me for just one 6 second.</p> <p>7 (Pause.)</p> <p>8 BY MS. MONTGOMERY:</p> <p>9 Q So your testimony is that the proof of 10 publication would be with the original ordinance?</p> <p>11 A Well, not necessarily the original ordinance, but it would be with the township records.</p> <p>13 Q Somewhere in the township records?</p> <p>14 A Yes.</p> <p>15 Q Do you know how the township records are kept?</p> <p>16 A I do not.</p> <p>17 Q You've never given any advice to them on how 18 to keep their records?</p> <p>19 A I have not.</p> <p>20 Q Do you know whether they keep their ordinances 21 -- or how they keep their ordinances?</p> <p>22 A Well, they should keep them in an ordinance book. And I'm sure over the years I've mentioned that to them, but I don't know.</p> <p>25 Q Now, let's talk a little bit more about the</p> | 36 |
| <p>1 put in the paper.</p> <p>2 Q Who actually presents it to the Daily News?</p> <p>3 A I would have presented this to the Daily News.</p> <p>4 Q Because you drafted the ordinance notice?</p> <p>5 A Yes, and I'm -- it's just a couple blocks away.</p> <p>7 Q So is that called the Huntingdon Daily News?</p> <p>8 A It's called the Daily News.</p> <p>9 Q The Daily News?</p> <p>10 A Yes.</p> <p>11 Q And it's a Huntingdon, Pennsylvania 12 publication?</p> <p>13 A Yes.</p> <p>14 Q Do you know just from reading that newspaper 15 whether on each page of the newspaper there's a date across 16 the top?</p> <p>17 A Yes, there would be.</p> <p>18 Q There would be?</p> <p>19 A Um-hum.</p> <p>20 Q So if we could get a copy of the original, we 21 would be able to see that, correct?</p> <p>22 A Yes. The township would also have that in its file if you have the township records because with the ordinance there's a proof of publication. In other words, a proof of publication that's signed by someone and classified</p> | 35 | | <p>1 subdivision ordinance. As changes were made to it, you'd go 2 back and forth with Ann Wirth over the changes that were to 3 be added?</p> <p>4 A I would say that the changes were basically generated by the township.</p> <p>6 Q And by the township you mean Ann Wirth?</p> <p>7 A Well, the township and its supervisors.</p> <p>8 Q So each time she sent you a new change or 9 revision you would review it and comment on it or what?</p> <p>10 A I would say I would review it.</p> <p>11 Q But not necessarily comment on it?</p> <p>12 A Right.</p> <p>13 Q And why is that?</p> <p>14 A Well, you know, again, if I had a comment to make, I would make it. I don't recall -- I just don't recall what comments, if any, I had made after the changes started to be made. I think the township primarily was relying upon advice from Richard Stahl who was the county planning director.</p> <p>20 Q Did you get actual draft copies of the subdivision ordinance or was it e-mailed to you by computer or what?</p> <p>23 A It wasn't e-mailed. I would say draft copies.</p> <p>24 Q So Ann would mail them to you or something?</p> <p>25 A I would say yes, either mail or she would be</p> | 37 |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|--|---|
| <p style="text-align: right;">38</p> <p>1 in town and drop them off. 2 Q Did she ever send you anything in writing, or 3 did anybody from the township ever send you anything in 4 writing about the moratorium that was put in place in 5 January 2000? 6 A Not until it was requested I think initially 7 by Mr. Corneal and then through his attorney James Himes did 8 I get it. My recollection is that when I received that 9 request I made a request to the township and after receiving 10 it I delivered it to Jim Himes. 11 Q Is that how you became aware that the 12 moratorium had been put into place? 13 A No, I -- I was aware that the moratorium was 14 in place, but I had not had that -- that document, that 15 minute entry until that time. 16 Q Typically as the township holds its meetings 17 do they send you -- routinely send you copies of their 18 minutes? 19 A No. 20 Q How do you keep track of what the township has 21 done at their meetings? 22 A I don't unless they deem it advisable to let 23 me know. 24 Q So do you have copies of the township meetings 25 in your files -- I mean minutes of the township meetings in</p> | <p style="text-align: right;">40</p> <p>1 A Yes, the other party. 2 Q Mr. Corneal wasn't a party? 3 A No. 4 Q So you think that was like 10 years ago or 5 something, 15? 6 A At least, probably more. 7 Q After that how did you first come in contact 8 with Mr. Corneal? 9 A Probably through a telephone call he made to 10 my office. 11 Q And about what time frame was that? 12 A I'm just guessing January of 2000. 13 Q You think that's the first time you talked to 14 him since the lawsuit that you were mutually involved in on 15 behalf of clients? 16 A I believe so. I mean, it could have been in 17 December, but it was around that time period. 18 Q Did you have any contact with the supervisors 19 or Ann Wirth or anybody else in the township about Mr. 20 Corneal prior to the time he contacted your office? 21 A No. 22 Q What did Mr. Corneal say when he contacted -- 23 did you actually talk to him when he contacted your 24 office -- 25 A I talked to him.</p> |
| <p style="text-align: right;">39</p> <p>1 your files? 2 A No, I do not. 3 Q Do you sometimes get copies of the minutes of 4 the township meetings? 5 A No. 6 Q How does the township go about letting you 7 know what they've done? Do they call you or do they write 8 to you or what? 9 A It would probably be by telephone. 10 Q From Ann Wirth or any one of the supervisors? 11 A Generally from Ann. And I guess occasionally, 12 you know, writing, too, but it's primarily I would guess 13 telephone. 14 Q Well, you mentioned Mr. Corneal a moment ago. 15 Can you tell me how you first came to come in contact with 16 Mr. Corneal? 17 A As a result of this lawsuit? 18 Q No, first at all, at any time. 19 A Many years ago we had a case against each 20 other and it was a land case. I don't recall too much about 21 it. My client's name was Suydam. It involved I think the 22 sale of a farm or an installment sale agreement. That, I 23 believe, is my first contact with him. 24 Q You mean Mr. Corneal represented the opposing 25 party?</p> | <p style="text-align: right;">41</p> <p>1 Q -- in December or January 2000? 2 A He indicated, you know, he was doing a 3 subdivision. He was anxious to get the subdivision 4 approved. You know, I believe I said that we didn't have a 5 subdivision ordinance. It's hard for me to -- to 6 specifically say what happened in the first conversation. I 7 think I talked to him on another occasion as well. 8 Q When he first talked to you, do you know 9 whether or not the moratorium had been put into place? For 10 the record, we've done so many of these depositions I may be 11 being -- 12 A I'm not sure. 13 Q Hold on a second. I may be being unclear -- 14 A Yeah. 15 Q -- but I want to say that we're talking about 16 the moratorium on subdivisions. I don't think we said that 17 in this depo. 18 A I believe so. 19 Q He contacted you before the moratorium was 20 in -- 21 A No, no, I believe it was after the moratorium. 22 Q What makes you think it was after the 23 moratorium? 24 A I don't know. That's a guess. I simply do 25 not know.</p> |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|----|----|
| 42 | 44 |
| 43 | 45 |
| | |

1 Q And so he told you that he wanted to get the
2 subdivision approved, right, and what did you tell him?
3 A I don't recall. I think that I indicated that
4 we didn't have a subdivision ordinance. I know that he had
5 an agreement of sale with an individual by the name of
6 Hewett, another individual by the name of Smith and he was
7 anxious to consummate that transaction.
8 Q Did you tell him that he didn't need approval
9 of his subdivision if there was no subdivision ordinance?
10 A I do not recall.
11 Q Do you think he needed approval of his
12 subdivision if there was no subdivision ordinance?
13 A Well, if the moratorium is valid, if you
14 assume that, then of course there couldn't be any
15 subdivision. But if the moratorium is not valid, then he
16 would not need approval.
17 Q Prior to the passage of the moratorium would
18 he have needed approval of his subdivision?
19 A No.
20 Q So he could have just filed a subdivision plan
21 at the recorder of deed's or not filed a subdivision plan,
22 right? He could have just sold off pieces of his property,
23 right?
24 A There is subdivision for DEP planning
25 purposes, but he would not have had to have any township

1 A I would have said no. Now, I don't -- there
2 may have been something in Mr. Corneal's agreement with Mr.
3 Hewett and Miss Smith that related to subdivision approval.
4 So maybe that was what generated this.
5 Q When you were called about the moratorium --
6 by Ann Wirth, correct?
7 A Correct.
8 Q Did Ann Wirth mention Mr. Corneal to you at
9 that time?
10 A I do not believe so.
11 Q Did she mention the reason for the moratorium?
12 A The only thing that was mentioned was that the
13 township wanted to be ready in the event that there were
14 subdivisions coming into the township.
15 Q From State College you mean?
16 A From the Centre County area which is kind of a
17 growth area.
18 Q Do you know whether or not there were any
19 particular spurts of growth or anything like that in the
20 Jackson Township area that would have led to such a concern?
21 A Not that I'm aware of.
22 Q Did Ann Wirth specifically mention Mr. Corneal
23 to you when she talked to you about the moratorium?
24 A Not that I can recall.
25 Q And just so I'm clear about your testimony

1 approval for a subdivision per se.
2 Q Do you know how Mr. Corneal came to even
3 request township approval for the subdivision plan?
4 A I do not.
5 Q Did the township officials contact you about
6 Mr. Corneal contacting them about approval for his
7 subdivision?
8 A Not that I can recall. I just don't know.
9 Q You just testified that if the moratorium was
10 invalid then of course he wouldn't need township approval.
11 Why do you say that?
12 A Well, you know, you wouldn't need township
13 approval unless there is a subdivision ordinance.
14 Q You wouldn't?
15 A You would not. So really the moratorium
16 itself, you know, would only -- if the moratorium is valid,
17 then for that period of time during which there was a
18 moratorium there wouldn't be any subdivisions.
19 Q Well, prior to the time the moratorium was put
20 in place, did the township ask you about that particular
21 issue, can we deny approval of a subdivision or even demand
22 presentation of a subdivision plan if we have no ordinance?
23 A If the township would have asked me, that's
24 what I -- what I would have said.
25 Q You would have said no?

1 earlier, is it that -- you said that you told her I think so
2 about something and that was about the moratorium?
3 A Yes, about the moratorium.
4 Q You thought that she could put in a
5 moratorium?
6 A I thought that the township could --
7 Q The township could?
8 A The moratorium, yes.
9 Q Even though there was no subdivision
10 ordinance?
11 A Correct.
12 Q What do you think -- what is the moratorium?
13 I mean, is it an ordinance, is it a -- I mean, what is it in
14 terms of a legal tool or entity or document?
15 A Well, what Jackson Township did was just do it
16 by way of a motion in its regular meeting. Whether or not
17 more needs to be done I don't know.
18 Q Is there a vote required, do you know?
19 A I don't know. In this case there was a vote.
20 Q Was there a -- some sort of a proposal, a
21 written proposal or a resolution or anything like that that
22 would be required to impose a moratorium?
23 A I don't know.
24 Q Let me ask you this: You said that there was
25 a vote. How do you know that there was a vote?

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|--|--|
| 46 <p>1 A I knew that there was a vote based upon the 2 minutes that I received from Ann Wirth. 3 Q Afterward? 4 A I think it said moved and seconded, as I 5 recall. 6 Q So we'll go back to Mr. Corneal for a moment. 7 You said you think you talked to Mr. Corneal twice? 8 A I think so. 9 Q The first time you think was sometime in 10 December, January, you're guessing? 11 A I'm guessing. I'm just guessing. 12 Q When do you think the second time was? 13 A I don't know. 14 Q Was it after the township refused to allow him 15 to subdivide, do you know that? 16 A I would say it probably would be, yes. 17 Q And did you speak directly with him? 18 A Yes. 19 Q Did he call you or did you return his call or 20 what? 21 A I think he called me. 22 Q And you took the call? 23 A Yes. 24 Q And what was the substance of that 25 conversation?</p> | 48 <p>1 I think. Jackson Township is not within the town of 2 Huntingdon or anything? You don't live in Jackson Township, 3 is what I'm trying to get to. 4 A No, I do not. There's Huntingdon borough that 5 I reside in. 6 Q Right, sorry. How far away from that is 7 Jackson Township? 8 A I would say approximately 16 miles. 9 Q Sixteen miles? 10 A Yes. Jackson Township is halfway between 11 Huntingdon borough and Centre County. 12 Q I'm going to show you a document that's been 13 previously marked as Wirth Exhibit 6 but we'll mark it again 14 as Newton 2. I'll ask you to look at it, please, after the 15 court reporter has marked it. 16 (Minutes dated 1/4/00 produced and marked as 17 Newton Exhibit No. 2.) 18 THE WITNESS: Okay. 19 BY MS. MONTGOMERY: 20 Q Are these the minutes that you're referring 21 to? 22 A Yes, and I see I was in error. I don't see a 23 move and a second with respect to the moratorium. 24 Q But these are the minutes that you're 25 referring to that --</p> |
| 47 <p>1 A I think the substance of the conversation was 2 he requested my assistance to see what could be done to 3 resolve the conflicts with the township. 4 Q Did he mention the moratorium to you? 5 A Not that I can recall. 6 Q Do you think there was a need for a moratorium 7 in the township? 8 MS. SIMPSON: Objection, irrelevant. 9 MS. MONTGOMERY: I'm sorry? 10 MS. SIMPSON: It's irrelevant. It's asking 11 for a legal opinion. 12 MS. MONTGOMERY: Well, relevance -- 13 THE WITNESS: That's not my -- I don't know. 14 MS. MONTGOMERY: Are you instructing him not 15 to answer? 16 MS. SIMPSON: No. 17 THE WITNESS: I don't know. That's not my 18 decision. 19 BY MS. MONTGOMERY: 20 Q You don't know whether or not there was a need 21 for a moratorium? 22 A That's not something that -- my opinion is not 23 relevant in my opinion. 24 Q What township is Huntingdon in -- or, no, what 25 township is in -- is there a -- I'm asking a silly question</p> | 49 <p>1 A Yes. 2 Q -- put you on notice that there was a 3 moratorium? 4 A Well, as I said, I think I became aware that 5 there was a moratorium prior to receiving these minutes. 6 Q Oh, okay. All right, but -- 7 A Yes. 8 Q But these are the minutes that you're 9 referring to that -- 10 A Yes. 11 Q That reflect the moratorium? 12 A Yep. 13 Q Thank you. Now, I think you had testified 14 earlier that there was a vote. Now, if there wasn't a vote, 15 would the moratorium in your opinion, aside from the 16 question -- aside from the question of whether or not you 17 could put a moratorium in place when there was no 18 subdivision ordinance, if there was no vote, would it be an 19 effective moratorium? 20 A I don't know. 21 Q When you are asked about township procedure, 22 you know, for example, whether or not a township can put a 23 subdivision ordinance in place, whether or not they can put 24 a moratorium in place, whether or not they need to vote, to 25 what do you refer, what law?</p> |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | | | | | |
|----|----|--|----|---|--|
| | 50 | | 52 | | |
| 1 | A | Well, either the township code or the 2 Municipalities Planning Code. | 1 | A | I really can't say. I don't recall if he said 2 in the telephone conversation he was going to drop it off, 3 but I do know that I received it and I don't know if it came 4 -- I certainly wasn't there when it was dropped off. I 5 don't know if it came from Mr. Corneal personally or perhaps 6 from David Simpson who at the time I believe was working for 7 him. Mr. Simpson is a surveyor. |
| 3 | Q | And you just don't know as you sit here 4 whether or not -- you know, what the answer to those 5 questions I asked -- | 8 | Q | Did you have any occasion after receiving a 9 copy of the subdivision ordinance -- I'm sorry, the 10 subdivision plan from Mr. Corneal, did you have any occasion 11 to talk with the township supervisors or Ann Wirth or any 12 other township officials about Mr. Corneal's efforts to 13 build on his property and to subdivide? |
| 6 | A | And, again, these are the minutes. I don't 7 know if the minutes accurately reflected what happened at 8 the meeting. | 14 | A | I believe I attended a meeting in May. |
| 9 | Q | Now, back to Mr. Corneal for a moment. Do you 10 recall receiving correspondence from Mr. Corneal? | 15 | Q | May of 2000? |
| 11 | A | Yes. | 16 | A | May of 2000. And the primary purpose of -- 17 the township was having -- having difficulty with New 18 Enterprise Stone and Lime Company and I think it was the 19 result of a road that they had done and they were having all 20 kinds of problems with it, the bond was going to run out, 21 and I think that was -- they asked me to come out and look 22 at that, which I did, and I believe at that time Mr. 23 Corneal's subdivision was also discussed. |
| 12 | Q | What did you do with that correspondence when 13 you received it? | 24 | Q | Was this a public meeting? |
| 14 | A | I believe I forwarded it onto the township. | 25 | A | Well, no. |
| 15 | Q | Did you call Mr. Corneal back after you 16 received the correspondence from him? | | | |
| 17 | A | I don't believe so. | | | |
| 18 | Q | So the two times you think you talked to him 19 were in response to telephone calls from him, correct? | | | |
| 20 | A | That's correct. | | | |
| 21 | Q | Did you ever receive other telephone calls 22 that did not actually result in a conversation between the 23 two of you? | | | |
| 24 | A | I don't know. I did receive calls from Jim 25 Himes. | | | |
| | 51 | | 53 | | |
| 1 | Q | Did you return -- | 1 | Q | This was a private meeting with the township 2 supervisors? |
| 2 | A | On behalf of Mr. Corneal. | 3 | A | It was a meeting -- it was like a workshop 4 meeting. |
| 3 | Q | Did you talk to Mr. Himes? | 5 | Q | What is a workshop meeting? |
| 4 | A | Yes, I did. | 6 | A | It was a meeting to discuss, at least in my 7 view, general administrative business. I think there was 8 some response that had to be taken with respect to the New 9 Enterprise situation and I know I did a letter on that. I 10 don't recall the exact nature of it. |
| 5 | Q | But other than those two phone calls, you 6 never talked to Mr. Corneal again on the telephone anyway? | 11 | Q | Now, a workshop meeting, when is a workshop -- 12 you said a workshop meeting is to discuss administrative 13 matters, I believe? |
| 7 | A | I don't believe so. | 14 | A | (Witness nods head affirmatively.) |
| 8 | Q | Did you talk to him in person? | 15 | Q | Are these routine meetings that the township 16 holds? |
| 9 | A | No, I did not. | 17 | A | Not that I'm aware of. The reason that I was 18 called, I think, was to address this New Enterprise 19 situation that had a deadline. |
| 10 | Q | Let me ask you this: Did Mr. Corneal at some 11 point deliver a copy of the subdivision plan to you? | 20 | Q | When was this workshop meeting held? |
| 12 | A | I think he did. | 21 | A | I think it was in May. |
| 13 | Q | And what did you do with that? | 22 | Q | Prior to the May public meeting, 2000? |
| 14 | A | I delivered it to the township. | 23 | A | You mean the township meeting? |
| 15 | Q | Do you know how he came to deliver a copy of 16 that subdivision plan to you? | 24 | Q | Yes. |
| 17 | A | I don't. | 25 | A | I don't know. |
| 18 | Q | Did you ask him to do it? | | | |
| 19 | A | I don't recall. | | | |
| 20 | Q | Did you receive it -- this copy of a 21 subdivision plan, did you receive it after one of the phone 22 calls you had with Mr. Corneal? | | | |
| 23 | A | I would say I did. | | | |
| 24 | Q | Were you expecting it, let me ask you that? | | | |
| 25 | Q | Were you expecting this copy that you received? | | | |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|---|---|
| <p>54</p> <p>1 Q Have you ever been to any other workshop 2 meetings?</p> <p>3 A After the lawsuit -- this lawsuit was filed, I 4 attended I believe two meetings with the township to discuss 5 the lawsuit and the complaint.</p> <p>6 Q Now, where does the term workshop meetings 7 come from? Is that your term or is it something --</p> <p>8 A That's my term.</p> <p>9 Q Is that something the township officials use 10 as well?</p> <p>11 A That I'm not aware of. I don't know.</p> <p>12 Q Do you know -- are you familiar with meetings 13 held by the township supervisors and the secretary and 14 anybody else prior -- immediately prior to the public 15 meetings?</p> <p>16 A I'm not.</p> <p>17 Q You've never discussed those and they've never 18 discussed those meetings with you?</p> <p>19 A No.</p> <p>20 Q You've never been at a meeting with them of 21 that nature?</p> <p>22 A No. Anytime I attend a meeting -- the 23 meetings are held at the fire hall, Stone Creek Valley Fire 24 Hall, and I've never been to a prior --</p> <p>25 Q To a pre-meeting?</p> | <p>56</p> <p>1 Q If you're going to meet in person with the 2 supervisors or Ann Wirth or any other township official, do 3 you generally do it in your office or do you just have 4 telephone conferences?</p> <p>5 A Well, we've had -- we have had meetings in my 6 office. I'd say primarily by telephone. And there are 7 occasions where, you know, I either go to the regular 8 township meeting or --</p> <p>9 Q Have you ever been to a township meeting when 10 Mr. Corneal was present?</p> <p>11 A No, I have not.</p> <p>12 Q Have you ever been to a township meeting at 13 which Mr. Corneal's issues, his building and subdivision 14 issues were discussed?</p> <p>15 A I may have been and I don't -- I can say for 16 sure that I was never at a township meeting attended by Mr. 17 Corneal. If Mr. Corneal attended the March meeting, I 18 definitely was not there. I know that there was a meeting 19 that I attended in which the subdivision -- the township -- 20 a regular township meeting in which the subdivision 21 ordinance was discussed.</p> <p>22 And the reason I seem to recall that is that I 23 had a copy of at that time what our proposed ordinance was 24 and someone in the audience asked if they could review it 25 and I said sure and gave it to them, and I'm not positive</p> |
| <p>55</p> <p>1 A Right.</p> <p>2 Q How about meetings at Ann Wirth's, the 3 secretary's office? I think I said that badly. The 4 secretary, Ann Wirth's office on her property, have you ever 5 been to a meeting there?</p> <p>6 A Just what I've described to you. There were 7 two times where I met with them concerning this lawsuit and 8 I believe there was a time in May that I met with them 9 concerning the New Enterprise issue. And I believe at that 10 time Mr. Corneal's -- I may have delivered the subdivision 11 at that time. I just don't recall.</p> <p>12 Q The subdivision plan you mean?</p> <p>13 A Yes.</p> <p>14 Q So the workshop meetings that you're referring 15 to are held at Ann Wirth's office?</p> <p>16 A Yes.</p> <p>17 Q On her property?</p> <p>18 A Correct. That is also the township office.</p> <p>19 Q Correct.</p> <p>20 A That's where the township records are kept.</p> <p>21 Q Have you had other opportunity to go to the 22 township office besides these workshop meetings?</p> <p>23 A No.</p> <p>24 Q Have you been there only three times?</p> <p>25 A Those are the times that I can recall.</p> | <p>57</p> <p>1 when that was.</p> <p>2 Q Do you recall who that person was?</p> <p>3 A I don't.</p> <p>4 Q Do you recall how many people were at that 5 meeting?</p> <p>6 A I would say seven to 10 maybe.</p> <p>7 Q Do you recall who any of those seven to 10 8 people might have been?</p> <p>9 A I don't.</p> <p>10 Q You mentioned a moment ago that you had two 11 meetings about this lawsuit after it was filed.</p> <p>12 A Two meetings regarding this lawsuit and other 13 related issues, litigation issues. There may have been 14 another meeting that would have dealt with Mr. Corneal 15 building without a building permit.</p> <p>16 Q And when do you think that was?</p> <p>17 A Again, I don't know. It was certainly after 18 -- I believe that we had filed -- when I say we, the 19 township filed in October.</p> <p>20 Q When you say filed, you mean the lawsuit that 21 you filed in Huntingdon County?</p> <p>22 A Yes. I believe that was in October.</p> <p>23 Q And --</p> <p>24 A So it would have been prior to that. We may 25 have had a meeting on that lawsuit. I don't know.</p> |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | | | |
|----|----|--|----|
| | 58 | | 60 |
| 1 | Q | Who was present at the two meetings that you | 1 |
| 2 | | remember, aside from the one you just discussed which you're | 2 |
| 3 | | not sure about? | 3 |
| 4 | A | One meeting the township supervisors, myself, | 4 |
| 5 | | Ann Wirth. I think that's all. Another meeting of the | 5 |
| 6 | | township supervisors, myself and Mr. Sherr and Ann Wirth. | 6 |
| 7 | Q | Did Mr. Sherr represent you at that time? | 7 |
| 8 | A | No. | 8 |
| 9 | Q | Mr. Sherr has never represented you, correct? | 9 |
| 10 | A | No. | 10 |
| 11 | Q | At that first meeting where Mr. Sherr wasn't | 11 |
| 12 | | present, where was that meeting held? At Ann Wirth's office | 12 |
| 13 | | you said? | 13 |
| 14 | A | At the township office. | 14 |
| 15 | Q | Do you know when that meeting was? | 15 |
| 16 | A | I do not. | 16 |
| 17 | Q | And at that time -- | 17 |
| 18 | A | It would have been after -- I think the | 18 |
| 19 | | lawsuit was filed -- I know we were served I think 4th of | 19 |
| 20 | | July weekend. So I'm just guessing it would have been | 20 |
| 21 | | sometime in July of 2000. | 21 |
| 22 | Q | And at that time did you discuss the legality | 22 |
| 23 | | of the moratorium? | 23 |
| 24 | A | No, we dealt with the lawsuits. | 24 |
| 25 | Q | What about the legality of the subdivision -- | 25 |
| | 59 | | 61 |
| 1 | | well, of refusing to allow Mr. Corneal to subdivide or to | 1 |
| 2 | | build, did you discuss that? | 2 |
| 3 | A | Well, we discussed it in the sense that we | 3 |
| 4 | | went over the paragraphs of the complaint, you know, | 4 |
| 5 | | paragraph by paragraph. So to that extent it was discussed, | 5 |
| 6 | | the context of the complaint. | 6 |
| 7 | Q | The second meeting that you recall when Mr. | 7 |
| 8 | | Sherr was present, was Mr. Van Dommelen present at that | 8 |
| 9 | | meeting? | 9 |
| 10 | A | He may have been. I can't say for sure, but | 10 |
| 11 | | he may have been. | 11 |
| 12 | Q | So you said the township supervisors, Ann | 12 |
| 13 | | Wirth, yourself, Mr. Sherr and who else? | 13 |
| 14 | A | If Mr. Van Dommelen was there. He could have | 14 |
| 15 | | been there. | 15 |
| 16 | Q | Do you recall meeting with Mr. Van Dommelen | 16 |
| 17 | | about this lawsuit at some time? | 17 |
| 18 | A | Only in that context, yes. | 18 |
| 19 | Q | You do recall him being at some meeting in | 19 |
| 20 | | which you -- | 20 |
| 21 | A | I would say yes. | 21 |
| 22 | Q | So at that second meeting that Mr. Sherr was | 22 |
| 23 | | present at, did you at that time then discuss the -- | 23 |
| 24 | | generally discuss the legality of preventing Mr. Corneal | 24 |
| 25 | | from building or from subdividing? | 25 |
| | | the township solicitor? | 1 |
| | A | Correct. | 2 |
| | | MS. MONTGOMERY: I'm going to take a short | 3 |
| | | break right now. We'll come back in 15 minutes. | 4 |
| | | (Break taken at 10:54 a.m. until 11:24 a.m.) | 5 |
| | | BY MS. MONTGOMERY: | 6 |
| | Q | Mr. Newton, you had indicated that you bill | 7 |
| | | the township for legal advice given to the township at some | 8 |
| | | point after you give them that legal advice, right? | 9 |
| | A | Right. | 10 |
| | Q | Now, you also have indicated now that you | 11 |
| | | attended this meeting at which Tony Sherr was present as | 12 |
| | | solicitor to the township and not as a defendant in the | 13 |
| | | lawsuit? | 14 |
| | A | (Witness nods head affirmatively.) | 15 |
| | Q | Did you bill the township for your attendance | 16 |
| | | at that meeting? | 17 |
| | A | Not yet, but I will. | 18 |
| | Q | When was that meeting? | 19 |
| | A | Sometime in July, last July. | 20 |
| | Q | So it's been 11 months? | 21 |
| | A | Yes. | 22 |
| | Q | Now, have you billed them since for other | 23 |
| | | work? | 24 |
| | A | No, I haven't. | 25 |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|--|--|
| 62 <p>1 Q You haven't sent them a bill since last July? 2 A No, I haven't. 3 Q And you don't have any records of work that 4 you've done from -- during that time period, July? Are you 5 just going to try to reconstruct it? 6 A Yes. 7 Q I'm going to ask you some questions and just 8 see what happens here. It's my position that if in fact 9 there is any attorney/client privilege about advice that you 10 gave concerning the issues in this lawsuit that it has been 11 thoroughly waived. All of the deponents in this case have 12 answered numerous questions about conversations with you and 13 there's been no objection. 14 Your own counsel has asked the individual 15 deponents about communications with you and there's been no 16 objection from Mr. Sherr. So I'm going to ask my questions 17 and we'll go from there. 18 Back to the meeting at which you were present 19 when Mr. Sherr was present, at that time was there any 20 inquiry made of you as to whether or not the moratorium that 21 was put in place was effective or legal? 22 MR. SHERR: Object to the form of the question 23 and on behalf of the privilege holders instruct the witness 24 not to answer. 25 BY MS. MONTGOMERY:</p> | 64 <p>1 objection and the claim of privilege arises from this 2 meeting at which the township defendants, Mr. Sherr and Mr. 3 Newton were all present and they were discussing issues of 4 the lawsuit. I believe that questions to the township 5 officials that have been deposed have been with respect to 6 communications prior to this meeting and not involving this 7 meeting and specific advice, legal advice, that was rendered 8 or questions that were asked of Mr. Newton. 9 Now, I agree with Mr. Sherr, this is a 10 particular area -- if you've got questions to ask -- 11 MS. MONTGOMERY: Oh, we're going to go 12 forward. 13 MS. SIMPSON: Okay. 14 MS. MONTGOMERY: I am, yes. 15 MS. SIMPSON: Okay. So you will ask questions 16 other than what occurred at this meeting? 17 MS. MONTGOMERY: Sure, absolutely. 18 MS. SIMPSON: You said we were going to halt 19 the deposition -- 20 MS. MONTGOMERY: I'm sorry, I didn't mean to 21 say it that way. What I really am saying is -- trying to 22 put counsel on notice that we will have to reschedule in 23 order to get the questions that we need to have answered 24 answered, even if it's -- even if it requires submitting 25 them in camera to the judge.</p> |
| 63 <p>1 Q Mr. Sherr is not your counsel, correct? 2 A That's right. 3 MS. MONTGOMERY: What we're going to be forced 4 to do is halt the deposition and schedule it for another 5 time because it's been very clear why we need to have Mr. 6 Newton's deposition and I'm going to need to present a 7 motion to the court that includes transcripts of testimony 8 from all the other depositions showing that this privilege 9 has long ago been waived. 10 MR. SHERR: Well, I would -- 11 MS. MONTGOMERY: If indeed there was a 12 privilege. 13 MR. SHERR: I would suggest that you follow 14 the dictates of the federal rules in this regard and mark 15 that and ask the rest of your questions, take the rest of 16 your deposition and we'll have the court rule on that at a 17 later time as the federal rules provide. 18 MS. MONTGOMERY: Well, as I said, I'm putting 19 on the record right now that you are preventing me from 20 asking questions about communications with the township 21 supervisors that have always been known to be the subject of 22 this deposition and we are going to have to reschedule 23 additional time after the filing of the motion to quash, 24 after the filing of a motion with the judge. 25 MS. SIMPSON: Let me interject here. This</p> | 65 <p>1 MS. SIMPSON: That assumes that your motion 2 would be granted. 3 MS. MONTGOMERY: Exactly. I'm not assuming 4 anything, but I'm saying that I'm not going to give up the 5 issue and I'm just putting counsel on notice as a matter of 6 courtesy that if you're going to not allow me to ask these 7 questions now I'll have to go to the court to try to ask 8 them later and we'll go on with whatever you allow him to 9 answer at this time, okay. 10 MR. SHERR: And just so we're clear, the 11 objection goes to this meeting that was attended -- I have 12 not objected to any other conversations that my clients have 13 had with Mr. Newton other than attendance at a meeting which 14 I attended to discuss this lawsuit. And I am not preventing 15 you from asking any questions. I'm merely asserting 16 attorney/client privilege with respect to this meeting. 17 MS. MONTGOMERY: Have you read the deposition 18 transcripts since you're asserting this privilege and saying 19 it hasn't been waived? Have you read the deposition 20 transcripts that have been provided? 21 MR. SHERR: You know, let's just go on with 22 the deposition. 23 MS. MONTGOMERY: So you're asserting the 24 privilege and you're refusing to answer that. Have you read 25 the deposition transcripts?</p> |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|---|---|
| 66 | 68 |
| 1 MR. SHERR: You know, I don't have to answer 2 your questions and I certainly don't have to answer 3 questions about what I have done or have not done and I'm 4 not going to do that. So why don't you just -- 5 MS. MONTGOMERY: Just so we have a good record 6 for the court of the basis for your objection. 7 MR. SHERR: I made my basis very clear on the 8 record. I don't know how I can make it any clearer. 9 MS. MONTGOMERY: Okay. 10 BY MS. MONTGOMERY: 11 Q Mr. Newton, have you been made aware of a 12 court order that requires sequestration of the defendant 13 deponents in this matter? 14 A Yes. 15 Q When did you become aware of it? 16 A I believe it was from my counsel. I don't 17 recall. 18 Q No, I mean when. 19 A I don't know. 20 Q Have you had any communication with the 21 defendant deponents, the other defendants in this case, the 22 supervisors, the building permit officer, the sewage 23 enforcement officer for Jackson Township since the middle of 24 May 2001? 25 A Any communication at all? | 1 done for that period of time prior to November back to the 2 last time you billed them? 3 A Yes. 4 Q Mr. Newton, I'm going to show you an exhibit 5 that has been previously marked but we're going to mark it 6 again for purposes of this deposition and ask you to look at 7 it. 8 (Letter dated 1/31/00 produced and marked as 9 Newton Exhibit No. 3.) 10 BY MS. MONTGOMERY: 11 Q Mr. Newton, do you recognize this letter? 12 A I do. 13 Q Do you recall receiving it? 14 A Yes. 15 Q For the record, it's a letter -- a January 31, 16 2000 letter from David Corneal to you, correct? 17 A Correct. 18 Q Now, do you recall when you received this 19 letter whether you had spoken to Mr. Newton -- I mean to Mr. 20 Corneal prior to receiving this letter, as the letter itself 21 indicates? 22 A I don't have a recollection but the letter 23 says as per our telephone conversation. So I assume that I 24 did. 25 Q Do you recall whether in your telephone |
| 67 | 69 |
| | 1 conversation -- well, do you recall whether that telephone 2 conversation that he refers to in this letter was the first 3 or the second of the two that you remember? 4 A I don't know. I would think it would be the 5 first. 6 Q So do you recall receiving a telephone call 7 after receiving this letter? 8 A Yes, yes. 9 Q I'm just trying to put the whole thing in a 10 good time frame for us so we can work it out. What did you 11 do with this letter when you received it? 12 A I believe I forwarded it to the township. 13 Q Did you have some discussions with the 14 township about his -- the concerns set forth in this letter? 15 A Not that I can recall. 16 Q I mean, did you just send it on with an FYI or 17 something? 18 A I -- I feel certain I would have sent it on. 19 If I had any discussion, it would have been with Ann Wirth. 20 Q Why would it have been with Ann Wirth? 21 A Because she was my contact person with the 22 township. 23 Q She's the one who relayed information back and 24 forth from the supervisors to you and from you to the 25 supervisors? |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|--|--|
| 70 | 72 |
| 1 A I don't know if relay information is correct, 2 but she was the person that I generally -- when I received a 3 contact from the township, it would generally be through 4 Ann. 5 Q If the township was asking for advice, the 6 township supervisors were asking for advice, would you 7 convey that information to Ann? 8 A It depends. I mean, if she would call me, 9 yes. 10 Q And so you would -- that would be your way of 11 giving advice to the township, to talk to Ann? 12 A Again, it depends. It depends on the context. 13 Q Well, let me just ask it another way then. At 14 times your way of giving advice to the township would be to 15 communicate information to Ann, correct? 16 A That's correct. 17 Q You notice in this letter that there was some 18 concern raised about the Hewetts and their commitment for a 19 loan for settlement for purchase of a piece of the tract of 20 land at issue in this case? 21 A Yes. 22 Q Do you know the Hewetts? 23 A I do not. 24 Q Have you met the Hewetts? 25 A No. | 1 retaining Mr. Reeder. 2 Q When he called you and told you that he was 3 having trouble with Mr. Corneal, did he tell you what the 4 trouble was? 5 A He probably did, but I don't remember. You 6 know, again, he wanted representation in dealing with Mr. 7 Corneal and that's the extent that I got into it. 8 Q Do you know whether he already had -- let me 9 ask you this: Did you talk to him before -- Mr. Hewett 10 before receiving this letter? 11 A I don't know. I don't know when it was. I do 12 know that I did talk to him at my office and he called on 13 the telephone. 14 Q So he called you and then you had him come in, 15 is that how it happened? 16 A No, he never came in. I told him I could not 17 represent him. I had a conflict -- 18 Q Oh, I'm sorry. 19 A -- and then I gave him -- I certainly gave him 20 the name of Mr. Reeder. And, again, my normal practice 21 would be to give him two or three other attorneys as well. 22 I don't know if I did that or not, but I know that I gave 23 him Mr. Reeder's name. 24 Q But when you just said I talked to him at my 25 office, you meant you were at your office? |
| 71 | 73 |
| 1 Q Have you -- and I'm using the Hewetts a little 2 loosely. 3 A I think there's a Hewett and a Smith, as I 4 recall. 5 Q Right, exactly, but they are a couple, 6 correct? 7 A Yes. 8 Q So have you met either one of them? 9 A I don't believe so. 10 Q Have you spoken with them on the telephone? 11 A I spoke one time with Mr. Hewett. 12 Q In what context was that? 13 A Mr. Hewett called me because he was having 14 trouble with Mr. Corneal regarding this agreement of sale. 15 Q When you say trouble with Mr. Corneal, what do 16 you mean by that? 17 A That's my term. He was having difficulty in 18 dealing with Mr. Corneal, whether it was regarding his 19 agreement of sale -- he wanted representation. 20 Q Did you ever represent Mr. Hewett? 21 A No. He asked if I could represent him and I 22 said no. I felt it could be a potential conflict because I 23 was the township solicitor. I -- my normal practice in 24 those circumstances would be to give him names of other 25 attorneys, one of whom was Mr. Reeder, and he ended up | 1 A I was at my office, yes. 2 Q And it was on the telephone? 3 A Yes, correct. 4 Q Just the one time? 5 A One time. 6 Q Did you ever talk to Miss Smith? 7 A No. 8 Q Were you ever at a township meeting where the 9 Hewett and Smith -- 10 A No. I'm sorry I jumped the gun. No. 11 Q That's okay. I need to finish my sentence, 12 that's all. Maybe this will help us place the time frame a 13 little bit, you know, in context. Do you recall whether or 14 not you discussed this letter that you received -- 15 A I'm certain I didn't discuss this letter. 16 Q Let me finish my sentence. Whether or not you 17 discussed this letter that you received from Mr. Corneal 18 with Mr. Hewett when he called? 19 A I feel certain I did not discuss the letter. 20 Q Did you discuss this letter with Mr. Reeder? 21 A No. 22 Q But you did send it onto the township? 23 A I believe so, yes. 24 Q Do you recall whether -- do you recall 25 speaking to Mr. Hewett about his concerns about Mr. |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|---|--|
| 74 | 76 |
| <p>1 Corneal's efforts to obtain permission for his subdivision?</p> <p>2 A No.</p> <p>3 Q When you say you don't recall, are you certain</p> <p>4 it never happened or you just don't recall?</p> <p>5 A I don't recall. What I recall from the</p> <p>6 conversation is that he wanted representation in his</p> <p>7 dealings with Mr. Corneal. That's what I recall.</p> <p>8 Q So Mr. Hewett eventually chose to go to Mr.</p> <p>9 Reeder, correct?</p> <p>10 A Correct.</p> <p>11 Q Now, did you have any discussions with Mr.</p> <p>12 Reeder about Mr. Corneal's efforts to obtain township</p> <p>13 cooperation in subdividing and selling this property?</p> <p>14 A Generally, no. At some point in time Mr.</p> <p>15 Reeder asked me if I thought that the township would have</p> <p>16 its subdivision ordinance adopted by June 30th and I</p> <p>17 responded I didn't think so and that was the extent of my</p> <p>18 conversation with Mr. Reeder.</p> <p>19 Q And what was the June 30th date?</p> <p>20 A I don't know. That was Mr. Reeder's question</p> <p>21 to me.</p> <p>22 Q So you remember the June 30th date. How do</p> <p>23 you recall that?</p> <p>24 A My recollection is that that was the time in</p> <p>25 which the agreement of sale between Mr. Corneal and Mr.</p> | <p>1 boroughs as well?</p> <p>2 A He represents some townships and boroughs.</p> <p>3 Q Does he represent counties as well?</p> <p>4 A No.</p> <p>5 Q Just townships and boroughs?</p> <p>6 A Yes.</p> <p>7 Q Do you know which ones he represents?</p> <p>8 A Well, I know he represents the borough of</p> <p>9 Mount Union. I know he represents the zoning board for</p> <p>10 Huntingdon borough. I'm not sure about townships.</p> <p>11 Q Did you ever have occasion to discuss with Mr.</p> <p>12 Reeder the Hewett's withdraw from the sales agreement,</p> <p>13 cancellation of the sales agreement with Mr. Corneal?</p> <p>14 A I was aware that Mr. Reeder on behalf of Mr.</p> <p>15 Hewett filed an action, a magisterial action against the</p> <p>16 Corneals.</p> <p>17 Q How did you become aware of that?</p> <p>18 A Mr. Reeder told me.</p> <p>19 Q Do you know why Mr. Reeder told you that?</p> <p>20 A I do not.</p> <p>21 Q Was it just your practice to discuss business</p> <p>22 back and forth about your clients?</p> <p>23 A Occasionally we do.</p> <p>24 Q What about the moratorium, have you ever</p> <p>25 discussed the moratorium with Mr. Hewett?</p> |
| 75 | 77 |
| <p>1 Hewett and Miss Smith -- that had to be consummated by that</p> <p>2 date.</p> <p>3 Q So you told him at that time -- now that you</p> <p>4 recall that that was what the June 30th was relevant to, you</p> <p>5 told him at that time you didn't think the subdivision</p> <p>6 ordinance would be approved, right?</p> <p>7 A By June 30th, yes.</p> <p>8 Q Right, by June 30th. What was the extent of</p> <p>9 your conversation --</p> <p>10 A That was it.</p> <p>11 Q -- with Mr. Reeder? Just for her sake, wait</p> <p>12 until I finish the question. So it was just one question?</p> <p>13 A Generally, yes, that's all I can recall.</p> <p>14 Q Did you have any other conversations with Mr.</p> <p>15 Reeder about Mr. Corneal's property?</p> <p>16 A Not that I can recall.</p> <p>17 Q What about after the subdivision ordinance was</p> <p>18 put into place?</p> <p>19 A Well, I know I showed Mr. Reeder the -- this</p> <p>20 complaint, this lawsuit, but other than that that's about</p> <p>21 it.</p> <p>22 Q Why did you show Mr. Reeder the complaint?</p> <p>23 A Well, we're both municipal solicitors and I</p> <p>24 wanted him to be aware of it.</p> <p>25 Q Mr. Reeder represents various townships and</p> | <p>1 A I don't believe so.</p> <p>2 Q I'm sorry, I mean Mr. Reeder.</p> <p>3 A I don't believe so.</p> <p>4 Q What about the ordinance itself and the</p> <p>5 legality of it or anything like that, did you ever discuss</p> <p>6 that with --</p> <p>7 A No.</p> <p>8 Q With Mr. Reeder?</p> <p>9 A No.</p> <p>10 Q I'm going to show you another letter that</p> <p>11 we're going to mark as Newton Exhibit 4.</p> <p>12 (Letter dated 8/18/00 produced and marked as</p> <p>13 Newton Exhibit No. 4.)</p> <p>14 BY MS. MONTGOMERY:</p> <p>15 Q I'd ask you to take a look at it for me,</p> <p>16 please. Do you recall receiving this letter, which for the</p> <p>17 record is an August 18, 2000 letter from Mr. Corneal to Mr.</p> <p>18 Newton?</p> <p>19 A I believe I did, yes.</p> <p>20 Q What did you do with this letter?</p> <p>21 A I believe I forwarded it onto the township.</p> <p>22 Q Did you call Mr. Corneal back about it?</p> <p>23 A No.</p> <p>24 Q Did you send Mr. Corneal the building permits</p> <p>25 that -- application forms that he's asking you for?</p> |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|--|--|
| 78 | 80 |
| <p>1 A I believe that was done by the township. I 2 did not. I did not have them. 3 Q Did you advise the township supervisors that 4 they really ought to send him these applications? 5 A I would say I probably did. 6 Q Did you ever receive back from Mr. Corneal a 7 copy of the filled out application forms? 8 A Not that I can recall. 9 Q Were you consulted about the applications once 10 they were sent? 11 A No. 12 Q Were you consulted about a building permit for 13 Mr. Corneal in general? 14 A I would say -- I would say yes. There was a 15 -- I know I wrote to Mr. Corneal at the request of the 16 township and I think it was in July, the end of July, 17 because he had commenced construction without a building 18 permit. So I wrote to him then and asked him to stop 19 construction until he received a building permit. 20 So the building permit issue was an issue that 21 had been discussed I think quite frequently because I 22 believe the township supervisors were being criticized 23 because Mr. Corneal was acting really on his own and the 24 township really wasn't doing anything to enforce the 25 building permit ordinance.</p> | <p>1 sewage permit. So I did become aware of that through Mrs. 2 Wirth. 3 Q Were you aware that they wouldn't even give 4 him an application? 5 A I became aware of that. 6 Q When did you become aware of that? 7 A Through Miss Wirth. 8 Q At the same time? 9 A I think at the same time. 10 Q Was it about the time frame in which Mr. 11 Corneal went to Mr. Van Dommelen and made that request? 12 A I don't know. 13 Q You don't recall? 14 A I think he clearly should have had the 15 building permit applications. 16 Q I'm going to show you a letter that we'll mark 17 as Newton Exhibit 5 and ask you to look at it for me, 18 please. 19 (Letter dated 7/28/00 produced and marked as 20 Newton Exhibit No. 5.) 21 BY MS. MONTGOMERY: 22 Q Is this the letter that you're referring to 23 that you wrote in July? 24 A Yes, it is. 25 Q Now, at the time that you wrote this letter</p> |
| 79 | 81 |
| | <p>1 Q Do you know when you wrote the July letter 2 that you referred to -- do you know whether or not Mr. 3 Corneal had been given building permit applications at that 4 time? 5 A I don't know. I don't know. 6 Q Do you recall talking at all with the township 7 supervisors or the building permit officer or anybody else 8 about Mr. Corneal's request for building permit 9 applications? 10 A No. 11 Q Were you ever informed about a visit that Mr. 12 Corneal made to Mr. Van Dommelen to obtain building permit 13 applications? 14 A I was. 15 Q When were you informed about that? 16 A I don't know. 17 Q Were you asked for advice about that? 18 A No. 19 Q They just told you about it -- what did they 20 tell you -- who told you and what did they tell you? 21 A I believe it was Ann Wirth and Ann Wirth 22 related to me that I think Mr. Corneal had been to Mr. Van 23 Dommelen's home to get applications. And of course at that 24 point there had not been a sewage permit so the building 25 permit applications could not have been granted without the</p> <p>1 you were aware that Mr. Corneal hadn't even received 2 applications, correct? 3 A I don't know that. I don't know where this 4 letter fits in in terms of time. 5 Q But at least at this point in time the 6 supervisors had called you and told you that they were 7 denying -- refusing to give Mr. Corneal building permits, 8 correct? 9 A I don't know that. Again, I don't know when 10 this was in terms of Mr. Corneal's meeting with Mr. Van 11 Dommelen, whether it was before or after. 12 Q I'm going to show you a letter that we'll mark 13 as Newton Exhibit 6 and ask you to identify that for the 14 record if you can. 15 (Letter dated 5/5/00 produced and marked as 16 Newton Exhibit No. 6.) 17 BY MS. MONTGOMERY: 18 Q Have you seen this letter in the past? 19 A I have. 20 Q How did you come to see it? 21 A I think that Mr. Corneal sent it to me. 22 Q You think he sent you a copy of it? 23 A Yes. 24 Q This letter is dated May 5, 2000, correct? 25 A Yes.</p> |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01CORNEAL VS
JACKSON TOWNSHIP

| | |
|--|--|
| <p style="text-align: right;">82</p> <p>1 Q And it indicates that he had been unable to 2 obtain an application, correct?</p> <p>3 A Yes.</p> <p>4 Q You believe that he copied you at the time 5 that he sent it to Mr. Van Dommelen?</p> <p>6 A Yes.</p> <p>7 Q What did you do about this letter, if 8 anything?</p> <p>9 A I believe that Mr. Corneal wrote me a letter 10 around the same time, maybe the same date.</p> <p>11 Q Mr. Corneal wrote you a letter around the same 12 date?</p> <p>13 A Yes. And my sense is I probably would have 14 forwarded both onto the township.</p> <p>15 Q At that time did you provide the township with 16 any advice about whether or not they ought to have given Mr. 17 Corneal at least an application?</p> <p>18 A Well, I understood why the township didn't 19 give him an application, because of the sewage permit 20 issue. It was around this time -- and I believe it was 21 after I got these letters from Mr. Corneal and there was a 22 letter addressed to me and then a copy of a letter to Mr. 23 Van Dommelen that I suggested to the township that we get 24 together and meet with Mr. Corneal and see if we could work 25 this out.</p> | <p style="text-align: right;">84</p> <p>1 lost his temper and as a result the supervisors felt 2 reluctant to meet.</p> <p>3 Q And what was your response to that, they don't 4 have to meet if they don't want?</p> <p>5 A That's their decision, right.</p> <p>6 Q What about the issue of them not even giving 7 him an application? I mean, did you indicate to them that 8 you at least needed to resolve that?</p> <p>9 A Well, I don't -- I don't specifically recall. 10 I did indicate that he needed -- he needed to have, you 11 know, building permit applications. I mean, I'm certain 12 that that was communicated at one point or another and it -- 13 I wrote him again after the July letter in August, again at 14 the request of the township.</p> <p>15 Q Now, I think you indicated that you had 16 received a letter directly from Mr. Corneal around the same 17 time that he copied you on that letter to Mr. Van Dommelen, 18 correct?</p> <p>19 A Correct.</p> <p>20 Q I'll show you a letter that we'll mark as 21 Newton Exhibit 7 and I'd ask you to look at that, please. 22 (Letter dated 5/5/00 produced and marked as 23 Newton Exhibit No. 7.)</p> <p>24 BY MS. MONTGOMERY:</p> <p>25 Q Is this the letter that you're referring to</p> |
| <p style="text-align: right;">83</p> <p>1 I recall in the last conversation I had with 2 Mr. Corneal he had mentioned to me that he was considering 3 litigation, a lawsuit, and I certainly didn't want that to 4 happen and I believe in his letter to me he even mentioned 5 that. So I contacted the township and put a request in to 6 -- let's meet, sit down and see if we can resolve the 7 differences.</p> <p>8 Q And what occurred at that time?</p> <p>9 A At what time?</p> <p>10 Q Well, you said you called the township and 11 told them that we ought to meet and sit down and talk about 12 this. What occurred?</p> <p>13 A The response back was that they didn't want to 14 meet.</p> <p>15 Q They didn't want to meet with you?</p> <p>16 A They didn't want to have a joint meeting with 17 Mr. Corneal and myself to try to resolve whatever 18 differences the parties had.</p> <p>19 Q Who gave you that response?</p> <p>20 A That response was given to me by Ann Wirth.</p> <p>21 Q Was that in a telephone call?</p> <p>22 A Yes.</p> <p>23 Q Did she tell you why they didn't want to meet?</p> <p>24 A She indicated that Mr. Corneal's conduct at 25 the township meetings was disrespectful. He apparently had</p> | <p style="text-align: right;">85</p> <p>1 that you --</p> <p>2 A Yes.</p> <p>3 Q That you received from Mr. Corneal?</p> <p>4 A Correct.</p> <p>5 Q Now, you may have testified to this but -- and 6 I'm sorry if you already did, but did you then forward this 7 letter onto the supervisors?</p> <p>8 A I believe so, yes.</p> <p>9 Q If you were going to forward letters to the 10 supervisors, you would send them to Ann Wirth; is that 11 correct?</p> <p>12 A The township office, which would be the 13 township address, the R.D. 1 box number.</p> <p>14 Q With respect to the contents of this letter, 15 you note that -- Mr. Corneal makes reference to a refusal to 16 receive a building permit to construct a garage, okay. Now, 17 do you recall at the time did you discuss with the township 18 their refusal to even give a permit or an application to 19 construct a garage?</p> <p>20 A Well, I believe their reason for that is it 21 was more than a garage. It was a three-bay garage and it 22 had -- according to what I subsequently learned from Mr. Van 23 Dommelen seeing the sketch that I think Mr. Corneal had, 24 there was an apartment on the second floor of this garage 25 which would have required a sewage permit.</p> |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01CORNEAL VS
JACKSON TOWNSHIP

| | |
|---|---|
| <p style="text-align: right;">86</p> <p>1 Q Mr. Van Dommelen showed you that sketch? 2 A No, he did not. I just became aware of that 3 either through -- probably through Mrs. Wirth. 4 Q At what time did you -- were you told that by 5 Mrs. Wirth? 6 A I don't know. 7 Q Do you know what it is that made Mrs. Wirth 8 believe that this was a -- that there was supposed to be an 9 apartment over this garage? 10 A My understanding is that that information came 11 from Mr. Van Dommelen, but I don't know. I can tell you 12 that in late May I was on site and in fact there's a 13 three-bay garage and an apartment. That's what was in fact 14 constructed. 15 Q An apartment? 16 A Yes. 17 Q Did you go inside? 18 A Yes. 19 Q What was inside that made you believe that 20 there was an apartment? 21 A A kitchen, bathroom. I think it was described 22 by someone as a mother-in-law suite. 23 Q When did you go inside? 24 A It was the -- the date -- if you have a 25 calendar, I can tell you. It was a Friday in May. I was</p> | <p style="text-align: right;">88</p> <p>1 about the fact that Mr. Corneal wanted to build an art 2 studio? 3 A I would -- I'd have to say yes, but I don't 4 have any specific recollection. 5 Q If you don't have any specific recollection, 6 what is it that makes you think yes? 7 A That information was communicated to me 8 somehow and I don't recall how. In fact, there is a garage 9 with an apartment above it, there is an art studio, there is 10 a home and there is another separate garage on the property 11 as constructed now. 12 Q Do you know when Mr. Corneal commenced 13 construction on his property? 14 A I don't know exactly, but certainly in the 15 year 2000. And as of May 18th of 2001, it looked to me like 16 construction was basically completed. 17 Q Well, on May 5th, 2000 when he was asking you 18 for applications, trying to get applications, had he started 19 construction? 20 A I don't know. 21 Q How about in the summer of 2000 when he 22 instituted this lawsuit? 23 A Yes, the July 28th letter I think was written 24 because it came to the township's attention that he had been 25 constructing.</p> |
| <p style="text-align: right;">87</p> <p>1 with Terry Williams and it was the time we met on site with 2 Mr. Corneal's SEO, Mr. Bowes, to look at the test holes that 3 had been done. Now, this was this year now, not in 2000. 4 This was this May. 5 Q Okay, but -- 6 A I would say -- I'm looking at a calendar 7 here. I think it was May 18th, 2001. 8 Q But back to May 2000, which is the point at 9 which he couldn't even get an application for his garage, 10 what was it that made Miss Wirth or anybody else believe 11 that he was looking to build an apartment? 12 A I think it was based upon the sketch that he 13 showed Mr. Van Dommelen, but I don't know. I really don't 14 know the answer to that. 15 Q Did there come a time when you learned that 16 Mr. Corneal sought to build a garage with a storage area 17 over it? 18 A No. 19 Q Nobody ever told you about that request? 20 A No. 21 Q What about the art studio? Do you know 22 anything about his request to build an art studio? 23 A Not really, other than the fact that he was 24 building one. 25 Q Did anybody from the township ever talk to you</p> | <p style="text-align: right;">89</p> <p>1 Q Do you know what he was constructing at that 2 time? 3 A I do not know. 4 Q Did the township tell you what he was trying 5 to construct at that time? 6 A I don't know. 7 Q Do you know whether if Mr. Corneal wanted to 8 build a property that didn't require sewage, build a 9 structure that didn't require sewage -- 10 A Not that I'm aware of. 11 Q Well, I didn't finish my question. Do you 12 know whether if that's what he wanted to build, whether he 13 would need approval of sewage modules? 14 A I don't believe so if no sewage was 15 contemplated. 16 Q Do you know whether if what he wanted to build 17 was just a garage or an art studio without sewage or water, 18 whether that would be considered -- that act occurring would 19 be considered a subdivision of his land? 20 A Well, I don't think it would be a subdivision 21 for DEP purposes unless the second structure contained 22 sewage. 23 Q Do you recall at any time discussing with the 24 township officials, any of the defendants in this case, 25 whether the building of a second home would render Mr.</p> |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01CORNEAL VS
JACKSON TOWNSHIP

| | |
|--|---|
| <p>90</p> <p>1 Corneal's 95-acre tract a subdivision?</p> <p>2 A Well, it's my understanding -- and I think I learned actually at our May 18th meeting when we were talking to Mr. Bowes, who was the SEO there, the interpretation that Altoona DEP has given to our townships in that area is that, yes, in fact that is a subdivision for DEP purposes.</p> <p>3 Mr. Bowes informed me that in terms of the Williamsport area if the first structure was maybe over 20 years old or more they don't consider that to be a subdivision.</p> <p>4 So, you know, there's probably -- there is some conflict between DEP, but we -- the township was following the direction given from Altoona and that's what has been done in our county.</p> <p>5 Q Well, now, let me just ask you this: Is this something that came up in the context of Mr. Corneal's property or is it just something that has -- you've been the township solicitor for what, 15 years you said?</p> <p>6 A Approximately.</p> <p>7 Q The entire 15 years has this been an applied rule?</p> <p>8 A It's been an applied rule in Huntingdon County and I'm aware of that rule being applied to other townships.</p> <p>9 Q Do you know what this interpretation by DEP</p> | <p>92</p> <p>1 Q Did they ever consult you about this notion of a subdivision occurring as a result of the construction of a second home?</p> <p>2 A That was discussed, yes.</p> <p>3 Q About Mr. Corneal?</p> <p>4 A Yes.</p> <p>5 Q Had they ever consulted you in the past about that?</p> <p>6 A I would say yes, but maybe not necessarily with this board of supervisors.</p> <p>7 Q When did they consult you about this subdivision notion resulting from the construction of a second home?</p> <p>8 A I don't have a specific date, but I know it was -- it was discussed and I believe my conversation was with Ann Wirth.</p> <p>9 Q Do you know whether it was prior to the time that you received these letters from --</p> <p>10 A I don't know.</p> <p>11 Q From Mr. Corneal.</p> <p>12 A I don't know.</p> <p>13 Q Do you know whether it was prior to the time this lawsuit was filed?</p> <p>14 A I'm sure it was prior to the time the lawsuit was filed.</p> |
| <p>91</p> <p>1 comes under, what law? What are they looking at to base their interpretation on?</p> <p>2 A Well, it's the Pennsylvania Sewage Facilities Act and the regulations promulgated thereunder.</p> <p>3 Q That's what DEP has told you they're --</p> <p>4 A That's my understanding.</p> <p>5 Q What about the Municipalities Planning Code, do you know whether there was anything in there that would indicate that the construction of any additional home would render a 95-acre tract a subdivision?</p> <p>6 A I'm not aware of any, no.</p> <p>7 Q Do you know of any other instances in Jackson Township when the attempt to build a second home on a large tract of land, say 50 or 95 acres like this, has been treated as a subdivision where there is another existing structure?</p> <p>8 A I can tell you that -- I don't have any specific knowledge, but I know this has always been the interpretation. And Leroy Koch, who was the secretary prior to Ann Wirth, was one of the founding members of the Huntingdon County Sanitary Administrative Committee and I know that the committee adopted that interpretation.</p> <p>9 So whether or not it had applied previously in Jackson Township, my inclination is to say yes, but I can't give you any specific example.</p> | <p>93</p> <p>1 Q In imposing this interpretation on Mr. Corneal, were the township supervisors acting pursuant to your guidance and advice?</p> <p>2 A I would say that they were acting in conformance with the practice and procedures utilized in Huntingdon County by direction of DEP.</p> <p>3 Q But in discussing it with you was Miss Wirth seeking advice on behalf of the township?</p> <p>4 A If she was seeking advice, I agreed with that position because that's a position that has always been taken in our county.</p> <p>5 Q What was the nature of that conversation?</p> <p>6 A I don't recall.</p> <p>7 Q Do you recall how long the conversation was?</p> <p>8 A I don't.</p> <p>9 Q Was it a telephone conversation?</p> <p>10 A It was a telephone.</p> <p>11 Q Do you know that it happened prior to the initiation of this lawsuit?</p> <p>12 A The lawsuit I think was filed in July -- June or July of 2000 and I feel certain it was before. I'm not saying it wasn't also discussed after, but I think it was also discussed before.</p> <p>13 Q Was there a time that you became aware of Mr. Corneal's recording of an additional deed in connection with</p> |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01CORNEAL VS
JACKSON TOWNSHIP

| | |
|--|--|
| 94 | 96 |
| <p>1 his property?</p> <p>2 A Yes.</p> <p>3 Q How did you become aware of that?</p> <p>4 A I think it – first of all, all deeds that are</p> <p>5 recorded in our county are published in the paper. I may</p> <p>6 have seen it in the paper. And I did become aware that I</p> <p>7 think the recording of this deed violated the Clean and</p> <p>8 Green restrictions which would have meant rollback taxes</p> <p>9 would have been paid. I believe I may have received a</p> <p>10 request from Ann Wirth to get a copy of the deed and forward</p> <p>11 it to them.</p> <p>12 Q Do you know when that request was made?</p> <p>13 A I do not.</p> <p>14 Q What makes you think that the recording of</p> <p>15 this deed would -- well, before I ask you that, you don't</p> <p>16 recall exactly how you learned about the recording of the</p> <p>17 deed?</p> <p>18 A I may have seen it in the paper because I read</p> <p>19 deed transfers and I know that I discussed it with Ann</p> <p>20 Wirth.</p> <p>21 Q Did you initiate that phone call or did she?</p> <p>22 A She did.</p> <p>23 Q Do you know how she became aware of it?</p> <p>24 A Probably through the paper.</p> <p>25 Q And did Miss Wirth ask you to do anything --</p> | <p>1 A I don't know the specifics, although I believe</p> <p>2 the recordation generated something from our assessment</p> <p>3 office to Mr. Corneal.</p> <p>4 Q And what does that have to do with the Clean</p> <p>5 and Green Act?</p> <p>6 A Well, the – there are certain – when you</p> <p>7 have property in Clean and Green, it's a preferential</p> <p>8 assessment. So there are restrictions that apply as to how</p> <p>9 much land you can sell over what period of time and whatever</p> <p>10 Mr. Corneal did with the recording of that deed violated</p> <p>11 those restrictions. And I believe subsequently there was a</p> <p>12 corrected deed that was recorded so as a result there wasn't</p> <p>13 any penalty that was imposed.</p> <p>14 Q And how did you find out about the corrected</p> <p>15 deed?</p> <p>16 A Again, I saw it in the paper, looked it up.</p> <p>17 Q What did the corrected deed accomplish?</p> <p>18 A You know, again, I'm not sure. I think it was</p> <p>19 probably a transfer or conveyance back so the status quo was</p> <p>20 maintained.</p> <p>21 Q So you think that the deed was undone? In</p> <p>22 other words, the --</p> <p>23 A Yes.</p> <p>24 Q The transfer was undone?</p> <p>25 A Yes, whatever – whatever was violative of the</p> |
| 95 | 97 |
| | |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01CORNEAL VS
JACKSON TOWNSHIP

| | |
|---|--|
| <p style="text-align: right;">98</p> <p>1 Q Did the supervisors ever talk to you about the 2 effect that failure to approve the ordinance was having on 3 Mr. Corneal's efforts to convey a piece of his property to 4 Mr. Hewett and Miss Smith?</p> <p>5 A Not directly, although I do remember Ann Wirth 6 communicating to me that at one of the meetings that Mr. 7 Corneal attended Mr. Hewett and Miss Smith were also 8 present. And at the beginning of the meeting -- at the 9 beginning of the meeting Mr. Corneal was -- and, again, this 10 is related secondhand to me, but at the beginning of the 11 meeting Mr. Corneal was talking about subdivision and 12 towards the end of the meeting he was saying he wasn't going 13 to subdivide at all, and that seemed to be, you know, 14 certainly a conflict if he was going to sell to Hewett and 15 Smith.</p> <p>16 Q You recall Miss Wirth conveying that to you?</p> <p>17 A Yes.</p> <p>18 Q Anybody else, the building permit officer or 19 the sewage enforcement officer or anything like that?</p> <p>20 A No.</p> <p>21 MS. MONTGOMERY: I'm going to have to take 22 this conference call which I had scheduled for lunch.</p> <p>23 (Discussion held off the record.)</p> <p>24 (Luncheon recess taken at 12:17 p.m. until 25 1:02 p.m.)</p> | <p style="text-align: right;">100</p> <p>1 testimony that if they were going to pass a moratorium on 2 subdivisions they wouldn't have had to put a notice in the 3 newspaper?</p> <p>4 A I basically told you I believe that I didn't 5 know.</p> <p>6 Q You believe they do, but you don't know?</p> <p>7 A I -- my answer was I don't know.</p> <p>8 Q So you haven't seen this Exhibit 8 in the 9 past?</p> <p>10 A Not in this form, no.</p> <p>11 Q Have you seen it in some other form?</p> <p>12 A If I saw it, it would have been when it was 13 published in the Daily News, which appears to be 12/28/99.</p> <p>14 Q You're saying that because of the handwriting 15 in the left-hand column, is that what you're saying, 16 12/28/99?</p> <p>17 A I'm just assuming that's when it was 18 published, yes.</p> <p>19 Q If you'll notice, there are three notices 20 about Jackson Township and the second one is the regular 21 monthly meeting notice, correct?</p> <p>22 A Yes.</p> <p>23 Q The first one then would suggest that there 24 was a special meeting, correct?</p> <p>25 A No, actually I think the first one suggests</p> |
| <p style="text-align: right;">99</p> <p>1 BY MS. MONTGOMERY:</p> <p>2 Q Let me show you a document that we're going to 3 mark as Newton Exhibit 8 and let you look at that, please. (Notice produced and marked as Newton Exhibit 5 No. 8.)</p> <p>6 BY MS. MONTGOMERY:</p> <p>7 Q Mr. Newton, I'm just going to draw your 8 attention to the right-hand column of this series of 9 classified ads. Do you see the public notice please take 10 notice?</p> <p>11 A Yes.</p> <p>12 Q And there are three in a row, right --</p> <p>13 A Um-hum.</p> <p>14 Q -- that refer to Jackson Township? Have you 15 seen this before?</p> <p>16 A I don't believe so.</p> <p>17 Q You had testified earlier that there was -- 18 you thought there might be -- there should have been a 19 notice in connection with the meeting for the moratorium, 20 correct?</p> <p>21 A No, I testified earlier that there should have 22 been a notice for the meeting concerning the subdivision 23 ordinance, the public hearing and also a notice concerning 24 the regular monthly meeting of the township.</p> <p>25 Q I apologize if I recalled -- is it your</p> | <p style="text-align: right;">101</p> <p>1 that a hearing is taking place on June -- I'm sorry, on 2 January 4th, 2000 which would be the township's normal 3 meeting night.</p> <p>4 Q So do they sometimes have their public 5 hearings on the same date --</p> <p>6 A Yes.</p> <p>7 Q -- as their normal meeting night?</p> <p>8 A Yes. I was -- you know, I -- before I didn't 9 -- I couldn't recall whether or not it was the same night 10 as the meeting night or it was a different date, but 11 apparently this makes it clear that it is the same.</p> <p>12 Q In other words, that they did the moratorium 13 and the monthly meeting --</p> <p>14 A No.</p> <p>15 Q -- on the same date?</p> <p>16 A No. What I'm saying is that there was a 17 public hearing scheduled for January 4th at 7:30 to discuss 18 and answer questions regarding the proposed subdivision 19 ordinance. That apparently occurred on the same night as 20 their normal meeting night.</p> <p>21 Q I showed you Exhibit 2 before. If you'll look 22 at Exhibit 2, the minutes of the meeting.</p> <p>23 A Yes.</p> <p>24 Q That's dated January 4 as well, right?</p> <p>25 A Correct.</p> |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|---|--|
| <p>102</p> <p>1 Q And that's the meeting at which they passed 2 the moratorium; is that correct?</p> <p>3 A That's correct.</p> <p>4 Q So typically I think that you had testified 5 that if there was going to be something special going on you 6 would draft the notice?</p> <p>7 A I drafted this first notice.</p> <p>8 Q For the public hearing?</p> <p>9 A Yes.</p> <p>10 Q It doesn't say anything about --</p> <p>11 A And I don't know that you characterized my 12 response correctly. In this instance I drafted the notice 13 at the request of the township.</p> <p>14 Q Okay.</p> <p>15 A Okay.</p> <p>16 Q Now, typically if you draft the notice, is it 17 signed by you or is it signed by -- you know, as in the 18 paper here it's signed by Ann Wirth, or could it be either 19 way?</p> <p>20 A Well, it's not really signed. It can be 21 either way. In this instance it was -- it was Ann Wirth. 22 Typically when I advertise an ordinance, I'll put my name 23 and address down and in each instance I would request that 24 the statement, the invoice, along with the proof of 25 publication be sent to the township.</p> | <p>104</p> <p>1 prior to any public hearing where there's going to be a vote 2 or a --</p> <p>3 A Well, in the -- with respect to the 4 subdivision ordinance, it's two times and that is a 5 requirement under the Municipalities Planning Code. This -- 6 more or less the first notice on the public hearing was 7 simply an informational thing. It wasn't required by 8 anything and it was to try to get some public input, at 9 least that was my understanding of it.</p> <p>10 Q You mean if there's going to be a public 11 hearing on an issue, it doesn't have to be published 12 separately?</p> <p>13 A That's not what I said.</p> <p>14 Q What did you say?</p> <p>15 A There are separate requirements for 16 publication in the Municipalities Planning Code and my 17 recollection is that that notice -- that notice has to go in 18 two times.</p> <p>19 Q If you're going to vote on something, like an 20 ordinance or something like that?</p> <p>21 A Right, it's part of, you know, the process. 22 And my recollection is that we published the notice two 23 times and then we published additional notice of the time we 24 were going to adopt the ordinance.</p> <p>25 This initial notice for public hearing was, I</p> |
| <p>103</p> <p>1 Q Now, did you draft the notice for the 2 reorganizational meeting?</p> <p>3 A No.</p> <p>4 Q Or for the monthly meeting?</p> <p>5 A No.</p> <p>6 Q Now, typically where do the bills go for the 7 newspaper notices that get published?</p> <p>8 A To the township.</p> <p>9 Q Even if you're the one who drafts and calls 10 the newspaper and puts it in?</p> <p>11 A When I submit something to the Daily News, I 12 direct that the statement and proof of publication be sent 13 to the township.</p> <p>14 Q So I'm going to mark as Newton Exhibit 9 15 another document that I'll ask you to look at, please. 16 (Bill dated 12/28/99 produced and marked as 17 Newton Exhibit No. 9.) 18 BY MS. MONTGOMERY: 19 Q Have you seen that before? For the record, 20 it's a bill apparently from the Joseph Biddle Publishing 21 Company; is that correct?</p> <p>22 A Yes, that's the Daily News. And, no, I 23 haven't.</p> <p>24 Q Let me ask you this: Is it your understanding 25 that you only need to publish a notice once or is it twice</p> | <p>105</p> <p>1 believe, for the township's benefit to try to receive public 2 input and it didn't count, so to speak, as an advertisement 3 as regards the subdivision ordinance. It was simply to try 4 to get input from the residents of the township.</p> <p>5 Q Just so I'm clear, if you -- if you were 6 required -- and you say you don't know, but if you were 7 required to publish notice of a moratorium the same as 8 you're required to publish notice on the subdivision 9 ordinance, then you'd be required to publish it twice just 10 like you have to for the ordinance, correct?</p> <p>11 A I don't know.</p> <p>12 Q I'm going to represent to you that we've only 13 seen one notice for the subdivision ordinance meeting that 14 was held on July 10th, 2000 where that subdivision ordinance 15 was passed. Is it your testimony that there were actually 16 two notices published?</p> <p>17 A There was another notice published, yes.</p> <p>18 Q Do you know when?</p> <p>19 A Before the January meeting.</p> <p>20 Q Before the January --</p> <p>21 A I'm sorry, before the July meeting.</p> <p>22 Q Another notice that you drafted?</p> <p>23 A Yes.</p> <p>24 Q So you drafted both of them. Do you have 25 records of them?</p> |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|---|--|
| 106 | 108 |
| 1 A I may have. I don't have them with me. 2 Q And there would be -- 3 A I believe the notices that are prior to the 4 formal notice concerning the adoption of the ordinance are 5 -- again, my recollection is that there is a two notice 6 requirement. 7 Q Right. And you believe that occurred with 8 respect to this subdivision ordinance? 9 A Yes. 10 Q I want to show you another document we'll mark 11 as Newton Exhibit 10. 12 (Letter dated 8/3/00 produced and marked as 13 Newton Exhibit No. 10.) 14 BY MS. MONTGOMERY: 15 Q Mr. Newton, this is an August 3, 2000 letter 16 from David Corneal to you, correct? 17 A Correct. 18 Q Do you recall receiving this letter? 19 A Yes, I do. 20 Q And what did you do with this letter? 21 A Forwarded it onto the township. 22 Q Anything else? 23 A Not that I can recall. 24 Q Do you recall having any discussions with 25 anybody from the township about this letter? | 1 review of the sewer module -- 2 A No. 3 Q -- to see whether it looked complete or 4 anything? 5 A No. 6 Q What about Mr. Corneal's request that you 7 forward applications to him in care of Max McClintic? 8 A I believe subsequently I forwarded 9 applications -- building permit applications, but I believe 10 it was to Mr. Corneal directly. 11 Q So that was after this August 3rd letter, 12 correct? 13 A Yes. 14 Q Let me ask you about the garage which you say 15 now has an apartment over it in which you saw in May of 16 2001, correct? 17 A Yes. 18 Q Do you know when that garage was -- the 19 building of that garage commenced? 20 A I don't. I can only assume that it was 21 commenced sometime in the summer of 2000. 22 Q In the summer of 2000 you believe? 23 A (Witness nods head affirmatively.) 24 Q Did you have any other occasion at any time to 25 go to that garage and look at it? |
| 107 | 109 |
| | 1 A No. 2 Q Has anybody ever told you that when the garage 3 was first built it contained just a workshop with no 4 sewage -- 5 A No. 6 Q -- and such over top of it? Did you become 7 aware of that through any means whatsoever? 8 A No. 9 Q Is this the first time you've ever heard that? 10 A Yes. My understanding was that sewage was 11 contemplated for the garage itself, the second floor. 12 Q From the very beginning? 13 A That was my understanding. 14 Q Based on what? 15 A Based on what I had been told. 16 Q Now I'm going to show you another document 17 that we will mark as Newton Exhibit 11 and I'd ask you to 18 identify it if you can. 19 (Letter dated 8/31/00 with enclosures produced 20 and marked as Newton Exhibit No. 11.) 21 BY MS. MONTGOMERY: 22 Q Mr. Newton, have you seen that letter to Ann 23 Wirth dated August 31, 2000 prior to today? 24 A I don't believe so. 25 Q You've never seen it prior to today? |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|---|--|
| <p style="text-align: right;">110</p> <p>1 A Not that I can recall. 2 Q Do you recall seeing the building permit 3 applications? 4 A I don't. 5 Q Did you get any telephone calls from Ann Wirth 6 about these building permit applications? 7 A Not that I can recall. 8 Q How about anybody else from the township, 9 building permit officer, any supervisor, anybody else? 10 A No. 11 Q They didn't seek your advice about this at 12 all? 13 A Not that I can recall. 14 Q What about -- 15 A Let me stop there. I was requested by the 16 township to draft a response to the building permit 17 applications and I did do that. I think Mr. Van Dommelen 18 had written a draft and then I basically redid the draft. 19 Q Well, did you not have an opportunity to look 20 at the building permit applications in drafting the 21 response? 22 A I don't think so. I think my information came 23 from Ann. I don't recall seeing the applications. 24 Q Well, let me ask you this: If you didn't have 25 the building permit applications, who should have had them</p> | <p style="text-align: right;">112</p> <p>1 Q Did you tell him through telling somebody else 2 to have him draft that response or did you tell Miss Wirth 3 to tell him to draft a response? 4 A Not that I recall. I think that the 5 applications came to Mr. Van Dommelen. He drafted a 6 response. I was requested by the township to review it and 7 to revise it if I felt it necessary. 8 Q And did you do that? 9 A Yes, I did. 10 Q I'm going to show you a letter that we'll mark 11 as Newton Exhibit 12. 12 (Letter dated 9/1/00 with enclosures produced 13 and marked as Newton Exhibit No. 12.) 14 BY MS. MONTGOMERY: 15 Q Mr. Newton, have you seen this September 1, 16 2000 letter to Miss Wirth from Mr. Corneal prior to today? 17 A I don't believe so. 18 Q What about the attachments to the letter that 19 shows the second floor of the garage as open storage? Have 20 you seen that in the past? 21 A I don't believe so. 22 Q Did anybody ever discuss with you this 23 particular letter? 24 A Not that I can recall. 25 Q Did anybody discuss with you the August 31st</p> |
| <p style="text-align: right;">111</p> <p>1 in order for you to respond to the building permit 2 applications that Mr. Corneal filled out? 3 A Well, you know, again, the application – my 4 recollection is that I drafted the response without the 5 building permit applications based upon information provided 6 to me. 7 Q By Ann Wirth? 8 A Yes. 9 Q Did you talk to anybody else about it? 10 A No. 11 Q Did you talk to the building permit officer? 12 A No. 13 Q Mr. Van Dommelen, I mean. 14 A Yes. 15 Q But I guess I'll ask you again: If you didn't 16 have them, who should have had them in terms of -- I mean, 17 shouldn't somebody at the township review the building 18 permit applications? 19 A Well, I think Mr. Van Dommelen did. That was 20 my understanding. 21 Q What makes you think that? 22 A Because he drafted the initial response to the 23 building permit applications. 24 Q Did you tell him to draft that response? 25 A I did not, no.</p> | <p style="text-align: right;">113</p> <p>1 letter that I showed you just a moment ago with the building 2 applications? 3 A Well, only in the context that I drafted a 4 response to the permit applications. 5 Q Did anybody discuss with you the drawings and 6 other things that were attached to the August 31 letter? 7 A Not that I can recall. 8 Q Now, I think that you testified earlier that 9 you drafted this response or that you revised a response 10 that Mr. Van Dommelen started out writing. I'm going to 11 show you a document we'll mark as Newton 13. 12 (Letter dated 10/10/00 produced and marked as 13 Newton Exhibit No. 13.) 14 BY MS. MONTGOMERY: 15 Q Is this the letter that you're referring to 16 that eventually went out from Mr. Van Dommelen -- 17 A Yes, it is. 18 Q -- with your assistance? 19 A Yes. 20 Q Which part of this letter did you draft? 21 A I would say basically it's my letter. 22 Q This makes reference to, in the second 23 paragraph, your application inadequately described the 24 proposed construction. What was the inadequacy? 25 A My recollection is that that was a detail</p> |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|---|--|
| <p style="text-align: right;">114</p> <p>1 issue.</p> <p>2 Q What detail issue?</p> <p>3 A On what the -- what was to -- what was to be 4 the proposed construction.</p> <p>5 Q But you never saw the application?</p> <p>6 A That's right. My communication was, again, 7 through Mrs. Wirth.</p> <p>8 Q The same is true with respect to your third 9 reason for denying the building permit applications?</p> <p>10 A That is correct.</p> <p>11 Q It did not include an adequate plan for the 12 site showing the size and location of the proposed 13 construction, right?</p> <p>14 A Correct.</p> <p>15 Q Now, what about this reference to the driveway 16 ordinance? Not having complied with the driveway ordinance, 17 what was that based on?</p> <p>18 A In July, the July township meeting, the 19 township passed a driveway ordinance.</p> <p>20 Q And what was it that Mr. Corneal had done that 21 they didn't think was correct?</p> <p>22 A I don't think he had done anything with 23 respect to the ordinance, is my recollection.</p> <p>24 Q Well, it says you have not complied with the 25 township's driveway ordinance.</p> | <p style="text-align: right;">116</p> <p>1 Q All right, thank you. I want you to just look 2 at the first sentence of this October 10, 2000 letter. It 3 says please be advised that Jackson Township has referred to 4 me for review your applications for building permits, right?</p> <p>5 A Yes.</p> <p>6 Q But they didn't give you the applications, 7 right?</p> <p>8 A Well, this is under Mr. Van Dommelen's 9 signature. I'm really writing the letter for Mr. Van 10 Dommelen and it referred to him, yes.</p> <p>11 Q But my question still stands, they didn't give 12 you them? I mean, either -- they didn't give you these 13 applications?</p> <p>14 A Not that I can recall.</p> <p>15 Q How did Mr. Van Dommelen deliver to you the 16 first draft of his letter?</p> <p>17 A He did not. I think Mrs. Wirth faxed it to 18 me.</p> <p>19 Q So he wrote it and gave it to Mrs. Wirth, do 20 you think?</p> <p>21 A I believe so.</p> <p>22 Q Did you save a copy of it?</p> <p>23 A No.</p> <p>24 Q Do you not usually save copies of things that 25 the township supervisors send to you?</p> |
| <p style="text-align: right;">115</p> <p>1 A A copy of which is enclosed.</p> <p>2 Q Right. In what way didn't he comply?</p> <p>3 A You know, again, my -- my recollection is he 4 didn't do anything with respect to the driveway ordinance.</p> <p>5 Q Mr. Corneal didn't do anything?</p> <p>6 A Correct.</p> <p>7 Q On whose information are you basing that 8 information?</p> <p>9 A Township information.</p> <p>10 Q What did you think he had to do --</p> <p>11 A I don't have the ordinance in front of me, but 12 there were certain requirements that were set forth in the 13 ordinance and I was informed that he had not complied.</p> <p>14 Q But you didn't have any individual --</p> <p>15 independent information --</p> <p>16 A No, absolutely not.</p> <p>17 Q Now, the letter also makes a reference to 18 submitting sewage facilities planning modules to the 19 township, correct? It's higher up in the second paragraph.</p> <p>20 A Yes.</p> <p>21 Q But you didn't see these sewage facilities 22 planning modules, correct?</p> <p>23 A Not to my recollection. Again, I -- if Mr. 24 Corneal sent a module with that letter, I don't remember at 25 least examining it.</p> | <p style="text-align: right;">117</p> <p>1 A Not something like that, no.</p> <p>2 Q Do you have any other copies of any drafts of 3 this letter?</p> <p>4 A No, I don't.</p> <p>5 Q When you wrote this letter for Mr. Van 6 Dommelen, did you have any knowledge of whether he had 7 actually reviewed the applications?</p> <p>8 A I believe he had, yes.</p> <p>9 Q Now, let me ask you this: Have you ever been 10 involved in an appeal of a denial of a building permit 11 application for any of the townships that you work for?</p> <p>12 A I don't believe so.</p> <p>13 Q Never?</p> <p>14 A (Witness shook his head negatively.)</p> <p>15 Q What about --</p> <p>16 A Let me say in this case Mr. Wilson -- Mr. 17 Williams appealed the denial, okay. So in this case he had 18 requested a hearing through the township on the denial of 19 the permits and in that regard I believe I received a 20 telephone call from him.</p> <p>21 And it was at or about the same time that the 22 township had initiated a lawsuit against the Corneals to the 23 Court of Common Pleas of Huntingdon County because they had 24 commenced construction without a building permit. We had 25 difficulty getting Mr. Corneal served with a copy of the</p> |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01CORNEAL VS
JACKSON TOWNSHIP

| | |
|---|---|
| <p style="text-align: right;">118</p> <p>1 complaint and motion for preliminary injunction. He's a 2 Centre County resident. We forwarded it, of course, the 3 complaint – our sheriff's office forwarded the complaint to 4 the Centre County sheriff and he was not able to obtain 5 service.</p> <p>6 And we had a preliminary hearing scheduled on 7 our request for injunctive relief that couldn't be held 8 because the Corneals weren't served. And it's about this 9 time I get the call from Terry Williams. And, again, I -- 10 it's possible that I could have called him after I became 11 aware that he, you know, filed this appeal.</p> <p>12 Q Do you know whether or not this request for a 13 hearing -- or for an appeal, hearing for an appeal, was 14 actually served, I should say, on the Jackson Township Board 15 of Supervisors prior to the time that the Huntingdon County 16 action was initiated against Mr. Corneal?</p> <p>17 A I really don't know. All I can say is it was 18 at or about the same time. And I know Terry Williams, I 19 have high regard for him, and I said to him, look, let's sit 20 down and see if we can resolve this. I don't think it's 21 necessary to litigate the denial of the permit applications, 22 let's look to the larger issue and get this -- get this 23 solved.</p> <p>24 So what we agreed to do on the date that was 25 scheduled for our preliminary hearing, we agreed to meet in</p> | <p style="text-align: right;">120</p> <p>1 A We met with Mr. Williams in order to try to 2 resolve all the issues involved in this litigation.</p> <p>3 Q So when you say you had one with Mr. Williams, 4 you mean --</p> <p>5 A He filed an appeal. We did not ever have an 6 appeal hearing.</p> <p>7 Q That was my question, did you ever have an 8 appeal hearing --</p> <p>9 A No.</p> <p>10 Q -- in connection with any of the local 11 governments that you represent on a building permit 12 application denial?</p> <p>13 A Not that I can recall.</p> <p>14 Q Do you know as a township solicitor, a borough 15 solicitor, what kind of hearing should be held in connection 16 with the appeal of the denial of a building permit 17 application? Do you know what the format for that hearing 18 would be?</p> <p>19 A Without looking it up, no.</p> <p>20 Q Do you know who would hear the hearing? Who 21 would the hearing be before?</p> <p>22 A My sense is it would be before the board of 23 supervisors.</p> <p>24 Q Do you know whether there was ever an appeal 25 hearing held before the board of supervisors in connection</p> |
| <p style="text-align: right;">119</p> <p>1 the Huntingdon County Courthouse and in fact we did meet 2 with Mr. Williams and that meeting included all of the 3 township supervisors, Mr. Van Dommelen. I believe Barry 4 Parks, the sewage enforcement officer, and myself.</p> <p>5 And at that time we basically explained to Mr. 6 Williams the township's position, where the township was 7 coming from and we charted a course to resolve this. It was 8 our hope and our goal to have it resolved by the end of the 9 year. And rather than litigate our equity complaint, we 10 simply tried to take whatever steps necessary to resolve 11 this short of any litigation.</p> <p>12 Q But back to my original question -- I'm just 13 going to go back to the very beginning. My question -- my 14 first question was whether or not you've ever had an appeal 15 on a denial of a building permit application with respect to 16 any of the townships or boroughs or other local governments 17 that you represent.</p> <p>18 A Well, we had one with Mr. Corneal through 19 Attorney Williams here.</p> <p>20 Q So it's your testimony that the meeting that 21 you had in the courthouse in connection with the preliminary 22 injunction hearing was the appeal of the building permit 23 application?</p> <p>24 A Absolutely not.</p> <p>25 Q What's the --</p> | <p style="text-align: right;">121</p> <p>1 with Mr. Corneal's appeal?</p> <p>2 A The answer is no. And the reason for that is 3 by an agreement with Mr. Williams we decided to forego the 4 hearing and address the issues to see if we could resolve 5 them amicably.</p> <p>6 Q Is it your understanding that Mr. Williams was 7 waiving the right to a hearing on the denial of the building 8 permit application?</p> <p>9 A I don't know if that was actually ever 10 discussed.</p> <p>11 Q Was there anything in writing about that?</p> <p>12 A No.</p> <p>13 Q You're saying that in a telephone call Mr. 14 Williams agreed on behalf of Mr. Corneal that you wouldn't 15 have the hearing?</p> <p>16 A No, that's not what I said at all.</p> <p>17 Q Well, I'm having a hard time understanding --</p> <p>18 A Well, what I -- what I said was that -- what I 19 proposed to Mr. Williams was instead of going through the 20 hearing on this denial, we get to the heart of the matter 21 and see if we can resolve the issues. He agreed to do that.</p> <p>22 Q Well, for the record, I'll ask you to look at 23 what we'll mark as Newton Exhibit 14.</p> <p>24 (Letter dated 11/10/00 produced and marked as 25 Newton Exhibit No. 14.)</p> |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|--|---|
| <p style="text-align: right;">122</p> <p>1 BY MS. MONTGOMERY:</p> <p>2 Q Now, this is a November 10, 2000 appeal letter</p> <p>3 from Terry Williams, correct?</p> <p>4 A Yes.</p> <p>5 Q Have you seen this in the past?</p> <p>6 A I believe I have.</p> <p>7 Q Did the township supervisors forward this to</p> <p>8 you?</p> <p>9 A Yes, I think so.</p> <p>10 Q Did you call Mr. Williams in connection with</p> <p>11 this appeal on behalf of the supervisors?</p> <p>12 A I believe so, yes.</p> <p>13 Q When did you call him?</p> <p>14 A Well, shortly after the township had received</p> <p>15 this letter, I believe I contacted Mr. Williams and at that</p> <p>16 time I suggested that we sit down -- when I say we, I mean</p> <p>17 the township and Mr. Williams, to look at these issues and</p> <p>18 attempt to resolve them, and in fact that's what we did. We</p> <p>19 met the same day that the motion for preliminary injunction</p> <p>20 was scheduled at the Huntingdon County Courthouse.</p> <p>21 Q And that preliminary injunction has not been</p> <p>22 resolved one way or the other yet, correct?</p> <p>23 A That's correct.</p> <p>24 Q So it's pending?</p> <p>25 A Well, I think it's probably mute at this</p> | <p style="text-align: right;">124</p> <p>1 what you're saying?</p> <p>2 A Yes, that's correct.</p> <p>3 Q And what does the township intend to do with</p> <p>4 that information?</p> <p>5 A Forward them on to the Department of</p> <p>6 Environmental Protection.</p> <p>7 Q Well, as I understand, the preliminary</p> <p>8 injunction hearing was -- and I'm, of course, not a party to</p> <p>9 it and I'm not that familiar with it, but the preliminary</p> <p>10 injunction motion that was filed was designed to stop Mr.</p> <p>11 Corneal from building his house, correct?</p> <p>12 A Yes, the township had received a number of</p> <p>13 complaints from other residents concerning this construction</p> <p>14 and the fact that Mr. Corneal was building without a</p> <p>15 building permit.</p> <p>16 Q What other residents were those?</p> <p>17 A I don't know. This is what I'm being told</p> <p>18 from the township.</p> <p>19 Q Did you draft the complaint for the township?</p> <p>20 A Yes, I did.</p> <p>21 Q You didn't ask them who complained to them</p> <p>22 about Mr. Corneal building?</p> <p>23 A No, and it really wouldn't matter who</p> <p>24 complained. No one would have had to have complained if</p> <p>25 there was a violation.</p> |
| <p style="text-align: right;">123</p> <p>1 point. I believe Mr. Corneal has completed his</p> <p>2 construction. I'm happy to report that as of the township's</p> <p>3 June meeting, after hearing the presentation from Mr. Bowes,</p> <p>4 it looks like everything is going to be fine with respect to</p> <p>5 sewage modules.</p> <p>6 Mr. Bowes on site indicated to us in our May</p> <p>7 18th meeting that what had previously been proposed were not</p> <p>8 acceptable. Those sites have been destroyed and I believe</p> <p>9 that they were too close to the road that was constructed,</p> <p>10 but I think everything is basically on track to be resolved.</p> <p>11 Q When was this June meeting?</p> <p>12 A The first Monday in June.</p> <p>13 Q Was this a public meeting?</p> <p>14 A This is the township's June meeting, yes.</p> <p>15 Q The township's June meeting?</p> <p>16 A Yes.</p> <p>17 Q Mr. Bowes is who? Could you identify him for</p> <p>18 the record?</p> <p>19 A Mr. Bowes is a sewage enforcement officer that</p> <p>20 has been retained by Mr. Corneal through Terry Williams to</p> <p>21 do the design for the sewage systems that are going to go</p> <p>22 in. And I believe that he is going to design -- I think</p> <p>23 it's a newer technology called micromounds.</p> <p>24 Q So you're pleased to report that Mr. Bowes has</p> <p>25 found that the sewage modules are now satisfactory; is that</p> | <p style="text-align: right;">125</p> <p>1 Q It might matter for this lawsuit.</p> <p>2 A It could.</p> <p>3 Q But the appeal that Mr. Williams sent to you</p> <p>4 -- or sent to the township, I'm sorry, on November 10, 2000</p> <p>5 concerned the denial of all his applications, correct?</p> <p>6 A Building permit applications.</p> <p>7 Q Exactly.</p> <p>8 A Yes.</p> <p>9 Q The preliminary injunction was designed to get</p> <p>10 -- for Mr. Corneal's house primarily, correct?</p> <p>11 A No, it was every -- any and all construction.</p> <p>12 I don't believe the township knew actually what was being</p> <p>13 constructed. I think there are no trespassing signs that</p> <p>14 are posted. I think the township's knowledge came from, you</p> <p>15 know, construction vehicles going in and out and reports of</p> <p>16 others.</p> <p>17 Q Well, Mr. Corneal's building applications say</p> <p>18 what he was trying to construct, don't they?</p> <p>19 A Sure.</p> <p>20 Q So if Mr. Corneal didn't need sewage for his</p> <p>21 art studio and didn't need sewage for his garage, would</p> <p>22 there have been any grounds for him to have been denied a</p> <p>23 building application -- a building permit?</p> <p>24 A I'll stand on what was set forth in the letter</p> <p>25 under Mr. Van Dommelen's signature.</p> |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01CORNEAL VS
JACKSON TOWNSHIP

| | |
|---|--|
| <p style="text-align: right;">126</p> <p>1 Q Okay. What date was the preliminary 2 injunction hearing scheduled to be held?</p> <p>3 A I don't know. I don't recall.</p> <p>4 Q Did you at the meeting that was held in the 5 courthouse which you say was held on the date that the 6 preliminary injunction hearing --</p> <p>7 A Yes.</p> <p>8 Q -- had been scheduled, did you discuss the 9 appeal of the denial of the building permit application 10 specifically?</p> <p>11 A We did not. We instead tried to set forth a 12 plan where we could resolve all of these issues to get them 13 done.</p> <p>14 Q Well, let me ask you this: By the date of the 15 meeting in the courthouse had you received -- are you sure 16 that you had received the appeal on the building permit --</p> <p>17 A I'm not sure. It may have been prior to 18 that. I don't know. But there was some reason that I was 19 in touch with Mr. Williams and -- either he called me or I 20 called him about this appeal and the gist of our 21 conversation was let's sit down and see if we can work it 22 out.</p> <p>23 Q I'm going to show you a document that we'll 24 mark as Newton Exhibit 15.</p> <p>25 (Invoice dated 8/4/00 produced and marked as</p> | <p style="text-align: right;">128</p> <p>1 Q What about the meeting with the supervisors on 2 July 13, 2000?</p> <p>3 A That may have been with Mr. Sherr.</p> <p>4 Q So it was one or the other?</p> <p>5 A I'm pretty sure -- I'm sure it wasn't the 6 first one. I think it might have been the second one.</p> <p>7 Q How long was that meeting, do you recall?</p> <p>8 A I don't recall.</p> <p>9 Q Now, I see a reference to a letter to Ann 10 Wirth dated May 8, 2000, re: David Corneal. That's 11 Number 2.</p> <p>12 A Yeah, I think that would be probably the 13 transmittal letters of his letters to me -- one letter dated 14 May 5th and a copy of Mr. Van Dommelen's letter.</p> <p>15 Q So let me just ask you this: You have 16 indicated that you bill them at \$60 an hour, right?</p> <p>17 A Approximately, yes.</p> <p>18 Q So at \$25 an hour it would have taken you 19 nearly a half hour to draft this letter, correct?</p> <p>20 A Well, not necessarily, no. I mean --</p> <p>21 Q I'm just trying to really --</p> <p>22 A That is -- you notice here I don't have an 23 hourly rate down here, you know. It's just what I feel was 24 appropriate for the circumstances.</p> <p>25 Q I'm just trying to understand whether there</p> |
| <p style="text-align: right;">127</p> <p>1 Newton Exhibit No. 15.)</p> <p>2 BY MS. MONTGOMERY:</p> <p>3 Q Mr. Newton, do you recognize this document?</p> <p>4 A Yes.</p> <p>5 Q Is this a copy of an invoice that you sent to 6 the supervisors for services rendered?</p> <p>7 A It is.</p> <p>8 Q So this was on August 4, 2000?</p> <p>9 A Right.</p> <p>10 Q Is it fair to assume that anything you had 11 done up to and including August 4, 2000 would be listed on 12 this invoice back to the time of your last invoice?</p> <p>13 A Not necessarily.</p> <p>14 Q Why is that?</p> <p>15 A Well, as I indicated to you, I attempt to 16 reconstruct some of these bills and often I miss things and 17 sometimes I bill based upon when a project is over. So I 18 wouldn't necessarily do it on a chronological basis but on 19 what's done.</p> <p>20 Q Well, let's look at Number 4 here, meeting 21 with supervisors on July 6, 2000, re: Corneal lawsuit.</p> <p>22 A Yes.</p> <p>23 Q Now, was that the meeting that you had with 24 the supervisors without the presence of Mr. Sherr?</p> <p>25 A Yes, I believe so.</p> | <p style="text-align: right;">129</p> <p>1 exists another letter other than some transmittal letters 2 since this was --</p> <p>3 A I don't believe so.</p> <p>4 Q Do you save copies of all the letters that you 5 -- correspondence that you send to the supervisors in 6 connection with --</p> <p>7 A Generally, yes.</p> <p>8 Q I see here there's a reference to a meeting 9 with the supervisors in May 2000 regarding David Corneal, 10 correct?</p> <p>11 A New Enterprise Stone and Lime Company and 12 David Corneal. As I indicated to you previously, I think 13 the purpose of the meeting was to discuss this New 14 Enterprise problem and Mr. Corneal -- the subject of Mr. 15 Corneal came up at that meeting.</p> <p>16 Q Now, was this one of those workshop meetings, 17 is that what you're thinking?</p> <p>18 A That's what I testified to previously.</p> <p>19 Q Was this meeting subsequent to the time that 20 Mr. Van Dommelen had initially denied building permit 21 applications to Mr. Corneal?</p> <p>22 A No, I don't believe so.</p> <p>23 Q So you think -- as far as Number 2 goes, do 24 you think you have copies of the letters to Ann Wirth, re: 25 David Corneal?</p> |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|--|--|
| <p style="text-align: right;">130</p> <p>1 A I probably do. 2 Q Now, you have preparation of draft response to 3 the Corneal's complaint, correct? 4 A Yes. 5 Q Did you save copies of your draft responses? 6 A This would be a federal lawsuit. I believe I 7 did, yes. 8 Q And then there's reference to a letter to Ann 9 Wirth dated August 4, 2000. Do you know whether that 10 involved David Corneal? 11 A It may have been a transmittal letter. I seem 12 to recall there was a letter that was dated August 3rd. I'm 13 not sure. 14 Q Do you know when the last time you sent an 15 invoice to the township prior to this August 4th -- 16 A Prior to August 4th, no, I don't. 17 Q You have no recollection at all? 18 A No. 19 Q Would you have that in your records? 20 A Probably, yes. 21 Q Let me ask you this: I know you don't have a 22 date for your meeting with the supervisors in May, right? 23 A (Witness nods head affirmatively.) 24 Q Which is Number 3 -- 25 A Yes.</p> | <p style="text-align: right;">132</p> <p>1 meeting? 2 A I don't believe so. I think it was daylight. 3 Q Mr. Newton, we've already made this a copy of 4 the record and it's so large I'm not going to do that again, 5 but I'm going to ask you to look at the subdivision and land 6 development ordinance and identify it for me, if you can, 7 please. 8 A It appears to be the Jackson Township 9 subdivision ordinance. 10 Q Can you look on page 71 of the ordinance. 11 A Yes. 12 Q Do you see where it's dated July 7, 2000? 13 A Yes. 14 Q Did you become aware prior to this moment that 15 this was dated July 7, 2000? 16 A No, I think that's a mistake. 17 Q You think it's just the wrong date? 18 A Yes. 19 Q What makes you think that? 20 A Because the township meeting was on July 8th. 21 Q July 10, correct? 22 A Well -- let me see. Whenever the first -- 23 whenever the meeting was -- I thought it was the 8th, but 24 maybe it was -- Monday. 25 Q The first Monday of the month --</p> |
| <p style="text-align: right;">131</p> <p>1 Q -- regarding David Corneal. But you did 2 testify that that was I think a workshop meeting. Was that 3 prior -- 4 A That's my recollection, yes. 5 Q So it would have been prior to their monthly 6 meeting, correct? Isn't that -- 7 A No. 8 Q -- when they have their workshop meetings? 9 A Not necessarily, no. 10 Q Do you know whether it was before or after the 11 May 5 letter that was sent to you by Mr. Corneal from -- 12 regarding Mr. Van Dommelen's refusal to give him building 13 permit applications? 14 A I don't know. 15 Q Was the workshop meeting held in the afternoon 16 or in the evening? 17 A I would say afternoon. 18 Q Late afternoon, early evening, what? 19 A Well, one of the -- I just -- I would say late 20 afternoon -- in the afternoon. I'm not sure exactly when. 21 Q And you had traveled out to the township 22 office, right, to do that? 23 A That's correct. 24 Q So do you remember whether it was getting to 25 be dusk or was it dark or anything driving out to that</p> | <p style="text-align: right;">133</p> <p>1 A Yes. 2 Q -- that's not a holiday? 3 A Is that the 10th? 4 Q I think it was, but your counsel is checking 5 her calendar. 6 A It would have been the 10th. 7 Q Now, you weren't at that meeting, though, you 8 testified, correct? 9 A No, I wasn't. 10 Q Do you know whether this subdivision and land 11 development ordinance was signed at the meeting, prior to or 12 after? 13 A I wasn't there. My sense is it would have 14 been signed at the meeting. 15 Q I'm going to show you what we've marked 16 previously in depositions. Again, I don't think I will make 17 these additional copies for the record, but it's the 18 Huntingdon County Planning Commission letter to Ann Wirth 19 dated February 24, 2000. 20 A Okay. 21 Q Have you seen this letter in the past? 22 A I believe I have. 23 Q What makes you believe you have? 24 A Because I believe that Ann would have maybe 25 faxed me a copy of it or mailed it to me.</p> |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|--|---|
| 134 | 136 |
| 1 Q Did you review it at the time, do you know? 2 A I probably looked at it, yes. 3 Q Did you have any discussions with the township 4 about what they needed to do in order to get the subdivision 5 proposal in order? 6 A What do you mean? 7 Q Well, this letter I believe indicates that 8 there was going to be a problem or two with the proposed 9 subdivision from Mr. Corneal, correct? 10 A Yes. 11 Q Did you have any discussion with the township 12 or any of its officials or its secretary about Mr. Corneal's 13 subdivision after you received this letter? 14 A Not that I can recall. 15 Q Do you think you received this letter at about 16 the time that it was written? 17 A I have no idea. 18 Q What about this April 20, 2000 letter from the 19 Huntingdon County Planning Commission which has been made 20 part of the record in the past? Do you recall receiving a 21 copy of that letter? 22 A I would say yes. 23 Q Why would you say yes? 24 A Because I believe Ann forwarded it on to me. 25 Q Did she forward it to you at about the time it | 1 place? 2 A No. 3 Q Can you put it in some kind of estimated time 4 frame? 5 A Well, I -- I remember -- and, again, this was 6 either at the -- at one of the meetings that Mr. Corneal 7 attended. I believe Mrs. Wirth informed me that Mr. Corneal 8 put the sewage modules on the table where the supervisors 9 were sitting and then by the end of the meeting had taken 10 them away. So at least at the conclusion of that meeting, 11 even if the supervisors wanted to forward those modules on 12 to DEP, they didn't have them to forward them. I do 13 remember that discussion specifically. 14 Q That's what Mrs. Wirth told you? 15 A That's what Mrs. Wirth told me. 16 Q She told you that around the time of the 17 meeting that Mr. -- 18 A I can only assume so. I don't recall, but I 19 would think that would be correct. 20 Q So at that time did she discuss with you the 21 fact that the supervisors had indicated to Mr. Corneal that 22 he couldn't build because he would have to subdivide? In 23 that same conversation did you have that discussion? 24 A I don't recall. I do know that there was an 25 issue concerning -- that in fact there was already an older |
| 135 | 137 |
| | |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01CORNEAL VS
JACKSON TOWNSHIP

| | |
|--|--|
| 138 | 140 |
| <p>1 County.</p> <p>2 THE WITNESS: I meant -- Jackson Township I 3 thought I said.</p> <p>4 BY MS. MONTGOMERY:</p> <p>5 Q How long was the conversation that you had 6 with Mrs. Wirth in which she told you that Mr. Corneal had 7 presented some sewage planning modules but taken them back?</p> <p>8 A It wasn't very long. I don't recall.</p> <p>9 Q Do you think it was more than 10 minutes?</p> <p>10 A No, less.</p> <p>11 Q Did she call you?</p> <p>12 A Yes.</p> <p>13 Q Was she reporting to you on the events of that 14 meeting?</p> <p>15 A I would say yes.</p> <p>16 Q Was she asking you for advice?</p> <p>17 A I don't think specifically asking me for 18 advice but informing me of what went on.</p> <p>19 Q So she told you that he had brought the sewage 20 modules and taken them away, but you don't recall if she 21 told you that Mr. Corneal was informed at that meeting that 22 his subdivision wouldn't be approved?</p> <p>23 A Again, that's all I can recall from the 24 conversation.</p> <p>25 Q Do you think it was in very close -- it was in</p> | <p>1 about that.</p> <p>2 Q Now, that was in -- that was prior to your May 3 2001 site visit?</p> <p>4 A Yes.</p> <p>5 Q When you went to the May 2001 site visit, did 6 you observe the various sites?</p> <p>7 A Yes.</p> <p>8 Q Were you aware that other than the two sites 9 then that they had said had been destroyed that there were a 10 number of other previously approved sites?</p> <p>11 A What I remember is Mr. Bowes agreeing with Mr. 12 Parks that the sites that were shown previously were 13 unacceptable. I believe he agreed with that.</p> <p>14 Q But do you -- you said you went on the 15 property?</p> <p>16 A I did.</p> <p>17 Q And you observed, for example, an apartment?</p> <p>18 A Yes.</p> <p>19 Q Did you also observe a number of other septic 20 sites?</p> <p>21 A We -- as I recall, there were three different 22 pits that we walked to. I believe there were three.</p> <p>23 Q You walked to three of them. Was the other 24 one satisfactory, do you know, the third --</p> <p>25 A Well, these were the ones -- these were new.</p> |
| 139 | 141 |
| <p>1 close proximity to that meeting so that would be like within 2 a week or within a couple of days or something?</p> <p>3 A As to when the phone conversation occurred?</p> <p>4 Q Exactly.</p> <p>5 A I would say within a week, sure.</p> <p>6 Q Did you ever have any discussion with Mr. 7 Rouzer from DEP during the year 2000 about this subdivision 8 issue and the erection of the second dwelling on a property 9 making it a subdivision?</p> <p>10 A I don't believe in the year 2000. Certainly 11 in 2001.</p> <p>12 Q But not during the year 2000?</p> <p>13 A Not that I can recall.</p> <p>14 Q Did you ever discuss Mr. Corneal's property 15 with Mr. Rouzer?</p> <p>16 A Yes.</p> <p>17 Q When was that?</p> <p>18 A May 18th we met on site.</p> <p>19 Q Of this year?</p> <p>20 A Yes.</p> <p>21 Q What about in the past?</p> <p>22 A I believe there was another time -- there was 23 another time in 2001 and this was after our SEO had 24 determined that the initial sites had been destroyed and 25 were no longer usable and I believe I talked to Mr. Rouzer</p> | <p>1 These were ones that were recently dug.</p> <p>2 Q What about the ones that -- are you aware that 3 Barry Parks approved sewage modules for Mr. Corneal's 4 property --</p> <p>5 A Yes.</p> <p>6 Q -- in the year 2000?</p> <p>7 A Yes.</p> <p>8 Q Are you aware that later two of them were -- 9 after all the disapprovals and all of that two of them were 10 said to be now unsatisfactory because something had been 11 driven over them, right?</p> <p>12 A Yes.</p> <p>13 Q Were you aware that the other sites that he 14 had approved remained satisfactory?</p> <p>15 A I was not aware. I'm not saying that's not 16 the case, but that -- those sites I don't believe were 17 looked at. I think we looked at the newer holes that were 18 dug.</p> <p>19 Q Around the time that Mr. Parks approved the 20 sewage modules presented by Mr. Corneal, did you receive any 21 contact from the township about those sewage modules?</p> <p>22 A Not that I recall.</p> <p>23 Q Are you aware that despite the fact that Mr. 24 Parks had approved them that the township then said no, 25 disapprove them?</p> |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01CORNEAL VS
JACKSON TOWNSHIP

| | |
|---|---|
| <p style="text-align: right;">142</p> <p>1 A Well, then we get into the issue they really 2 didn't have them to approve. As I understand from Mrs. 3 Wirth, Mr. Corneal took them with him. 4 Q Did she tell you in fact that he was told to 5 take them back because they wouldn't review them? 6 A No, she didn't tell me that. 7 Q Did the supervisors seek counsel from you 8 about filing the lawsuit against Mr. Corneal that was filed 9 in Huntingdon County? 10 A Yes. 11 Q You actually drafted that -- 12 A Yes. 13 Q -- correct? When did they first seek your 14 counsel about that, filing a lawsuit in Huntingdon County 15 against Mr. Corneal? 16 A Probably towards -- the letter that we 17 reviewed I believe is dated July 28th of 2000. So it would 18 have been around that time. 19 Q When did you actually file that lawsuit? 20 A I believe it was in October. 21 Q And what happened between July 28th and 22 October in connection with the filing of that lawsuit? 23 A Be more specific. 24 Q Well, why did you wait until October to file 25 that lawsuit?</p> | <p style="text-align: right;">144</p> <p>1 Q So not all of them, a selection, I suppose, 2 correct? 3 A Yes. 4 Q Well, we haven't had an opportunity to review 5 all those documents. Some of them, as many of them as we've 6 been able to make time for. Did the supervisors ever 7 contact you about their obligation to produce documents in 8 this lawsuit? 9 A No. 10 Q Well, I'll represent to you that we have not 11 found so far that letter. 12 A I believe I -- I could be wrong on the date, 13 but I think I saw it this morning. 14 Q Well, we'll see if we find it. I think that 15 you had testified that there were a number of revisions to 16 the land development ordinance as we went -- there were a 17 number of revisions to the subdivision ordinance before it 18 was actually passed. 19 A (Witness nods head affirmatively.) 20 Q Do you know whether or not each of those 21 iterations of the proposed subdivision ordinance were made 22 available for the public? 23 A I don't know. Anyone who attended a township 24 meeting certainly would have access to that. 25 Q Didn't Mr. Corneal ask you for a copy of the</p> |
| <p style="text-align: right;">143</p> <p>1 A I think there was a -- I think there was 2 another letter that we had written -- I think that was, you 3 know, an August letter that I believe we have reviewed. 4 Q In this deposition? 5 A I think so. I believe I wrote a letter in 6 August. Maybe we haven't reviewed it, but it was just, I 7 guess, until October when the complaint was ready and we 8 filed it hoping that we could resolve this without filing 9 it. 10 Q You think you wrote another letter to Mr. and 11 Mrs. Corneal in August? 12 A I think I wrote a letter in August. 13 Q After the July 28th letter? 14 A Yes. 15 Q Would you have a copy of that in your files? 16 A I believe I did and I believe it's in the 17 documents that were copied. 18 Q From the township you mean? 19 A Yes. 20 Q Have you had an opportunity to review the 21 documents that were -- 22 A Yes. 23 Q -- copied? When did you have that 24 opportunity? 25 A This morning.</p> | <p style="text-align: right;">145</p> <p>1 proposed ordinance at one time? 2 A He may have and -- I'd have to refer to that 3 August letter. I know he was ultimately sent a copy. 4 Q The August letter that you're referring to is 5 not in addition to -- it is in addition to this July 28th 6 letter that you're referring to? 7 A Yes, that's what my recollection is. 8 Q But you -- 9 A I think the supervisors asked me in August to 10 write to him and say, look, get a building permit and then I 11 think there was a follow-up letter in August. 12 Q But in any event, I think I just asked you 13 whether or not Mr. Corneal asked you for a copy of the 14 subdivision ordinance and you said he may have, correct? 15 A He may have. 16 Q Do you know whether or not you sent him a copy 17 of it? 18 A I may have. If I did, it would be referenced 19 in this August 28 letter. 20 Q You think it's an August 28th letter or do you 21 think it's a July 28th? 22 A Well, I -- it's July -- the August letter, 23 whenever the date was in August. 24 Q Did you ever have occasion to talk to the 25 supervisors individually about this issue of Mr. Corneal's</p> |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

CORNEAL VS
JACKSON TOWNSHIP

| | |
|--|---|
| 1 property? 2 A One-on-one? 3 Q Yes. 4 A No, not that I can recall. 5 Q Mr. Wilson has never called you directly to 6 talk about it? 7 A If Mr. Wilson called me, it would be in the 8 context of we've got to get something moving on the lawsuit 9 because people in the township were upset that nothing was 10 being done, etcetera. He may have called me. If he did, I 11 believe it was in that context. 12 Q Well, going back briefly to your August 4, 13 2000 invoice to the township, you would have copies of each 14 of the documents referenced in this invoice, correct, in 15 your files? 16 A I should have. 17 Q Letters to -- 18 A If I don't, the township certainly has them. 19 And if I don't, they would be in the township records. 20 Q And would you have a copy of the additional 21 notice of the meeting -- 22 A I should have, yes. 23 Q The meeting where the subdivision ordinance 24 was ultimately passed. You'd have a copy of that 25 additional -- | 146 1 have been sent to him at the time of Mr. Van Dommelen's 2 letter. I think there might be a reference to enclosing 3 that. 4 Q I notice this August 29, 2000 letter went out 5 and then, as you recall, we have the September -- the 6 August 31 and September 1 application sent right back, 7 right? 8 A I guess so, yes. 9 Q Those are the documents that you reviewed in 10 this deposition, right? 11 A Yes. I don't recall the dates, but if that 12 was the dates, yeah, fine. 13 Q Well, these were Newton Exhibits 11 and 12. 14 A Okay. 15 Q Letters dated August 31 and September 1, 2000 16 with building application and materials attached. So I just 17 want to ask you: Having sent the applications to him, did 18 you not follow up to see whether or not the applications had 19 been filled out and sent back? 20 A No. At least as of the date that I wrote the 21 letter I wasn't aware that they had been. 22 Q You mean as of the date that you wrote the 23 letter for Van Dommelen's signature, is that what you 24 mean? 25 A No, this is dated August 29th. |
| 147 1 A My recollection is on the Municipalities 2 Planning Code notice means publication two times in two 3 consecutive weeks. 4 Q Exactly. 5 A Yeah. 6 MS. MONTGOMERY: Would you mark that as Newton 7 Exhibit 16. 8 (Letter dated 8/29/00 produced and marked as 9 Newton Exhibit No. 16.) 10 THE WITNESS: I think that's the letter I'm 11 referring to. 12 BY MS. MONTGOMERY: 13 Q This is the August 29, 2000 letter? 14 A Yes, um-hum. 15 Q And in this letter it indicates that you in 16 fact did -- 17 A Yes. 18 Q -- send Mr. Corneal the building permit 19 application -- 20 A Yes. 21 Q -- that he had been trying to get? 22 A Yes. 23 Q So they were sent then under cover of a letter 24 dated August 29, 2000? 25 A Yes. I think the subdivision ordinance might | 149 1 Q Right. 2 A And there's a letter from Mr. Corneal which is 3 Exhibit 11 -- 4 Q Right. 5 A -- enclosing the building permit 6 applications -- 7 Q Right. 8 A -- along with the check and that's dated 9 August 31st. 10 Q Right. 11 A I can only assume that he probably had the 12 building permit application already. 13 Q Why would you assume that? 14 A Well, if my letter is dated the 29th, you 15 know, I can only assume by the time the mail gets from 16 Huntingdon to State College -- well, he might have done it 17 right away. So it's possible, yeah. I don't know. 18 MS. MONTGOMERY: Well, I don't think I have 19 any other questions for you, Mr. Newton, pending a review of 20 the documents that we only recently received from the 21 township in which case we might need to call you back. 22 THE WITNESS: How about in my county? 23 MS. MONTGOMERY: I'm sorry? 24 THE WITNESS: Love to have you come to 25 Huntingdon County. |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

NEWTON, LAWRENCE
06/12/01

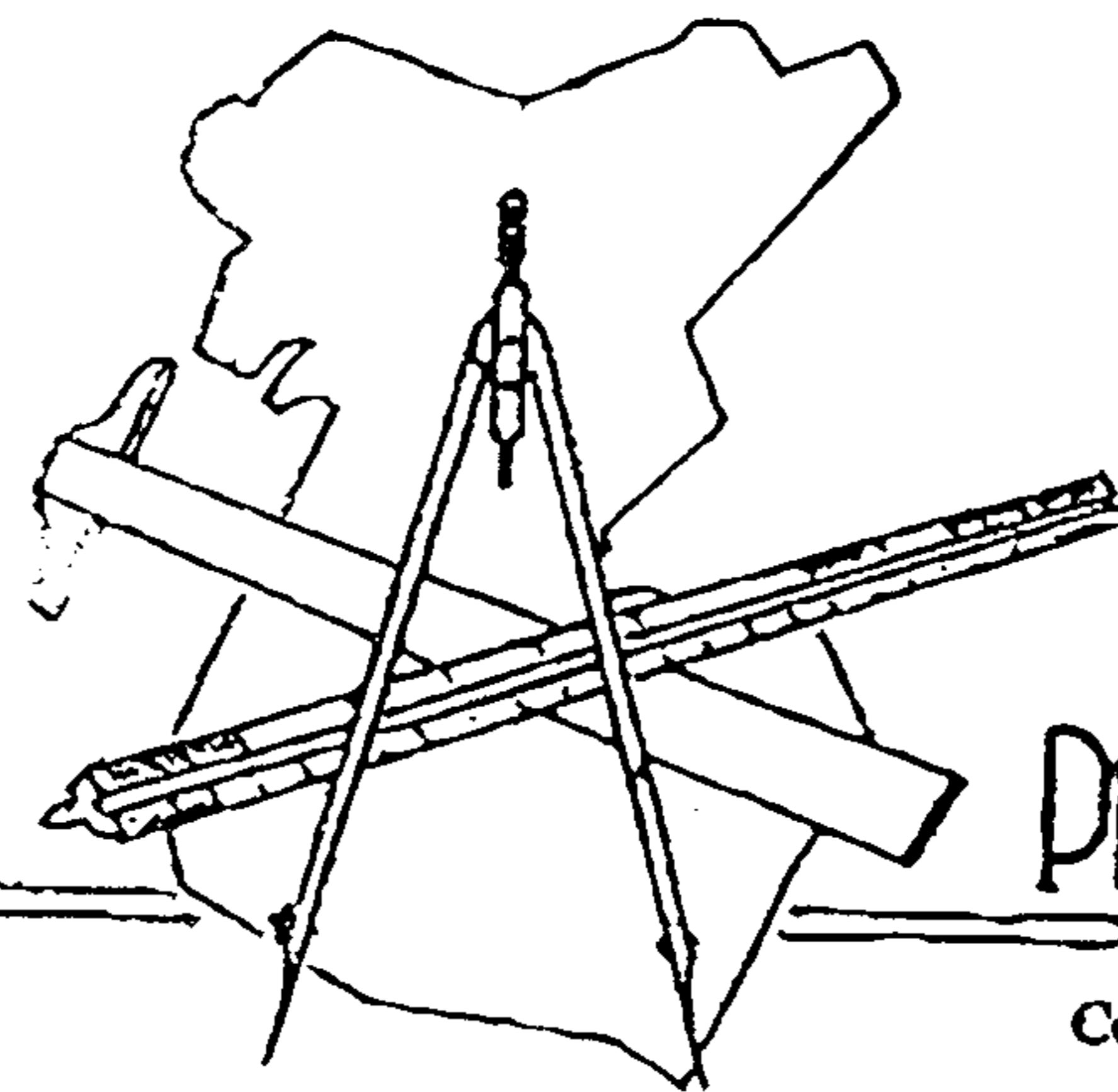
CORNEAL VS
JACKSON TOWNSHIP

| | |
|--|--|
| <p>150</p> <p>1 MS. MALADY: We've been there. 2 MS. MONTGOMERY: We've been there. 3 THE WITNESS: Thank you. 4 MS. MONTGOMERY: It's really quite nice. 5 Thank you. 6 (The deposition was concluded at 2:46 p.m.) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> | |
| <p>151</p> <p>1 2 COUNTY OF DAUPHIN : 3 : SS 4 COMMONWEALTH OF PENNSYLVANIA : 5 I, Teresa K. Bear, Reporter-Notary Public, 6 authorized to administer oaths within and for the 7 Commonwealth of Pennsylvania and take depositions in the 8 trial of causes, do hereby certify that the foregoing is the 9 testimony of LARRY L. NEWTON. 10 I further certify that before the taking of 11 said deposition, the witness was duly sworn; that the 12 questions and answers were taken down stenographically by 13 the said Teresa K. Bear, a Reporter-Notary Public, approved 14 and agreed to, and afterwards reduced to typewriting under 15 the direction of the said Reporter. 16 I further certify that the proceedings and 17 evidence are contained fully and accurately to the best of 18 my ability in the notes taken by me on the within 19 deposition, and that this copy is a correct transcript of 20 the same. 21 In testimony whereof, I have hereunto 22 subscribed my hand this 27th day of June, 2001. 23 24 _____ 25 Teresa K. Bear, Reporter Notary Public My commission expires on April 13, 2003</p> | |

GEIGER & LORIA REPORTING SERVICE - 1-800-222-4577

1.00
P. 64

HUNTINGDON COUNTY



PLANNING COMMISSION

(814) 643-5091

Court House - Huntingdon, Pennsylvania 16652

February 24, 2000

Mrs. Ann L. Wirth
Jackson Township Secretary
R.D. 1, Box 390
Petersburg, PA 16669

RE: David and Sandra Corneal Minor Subdivision

Dear Mrs. Wirth:

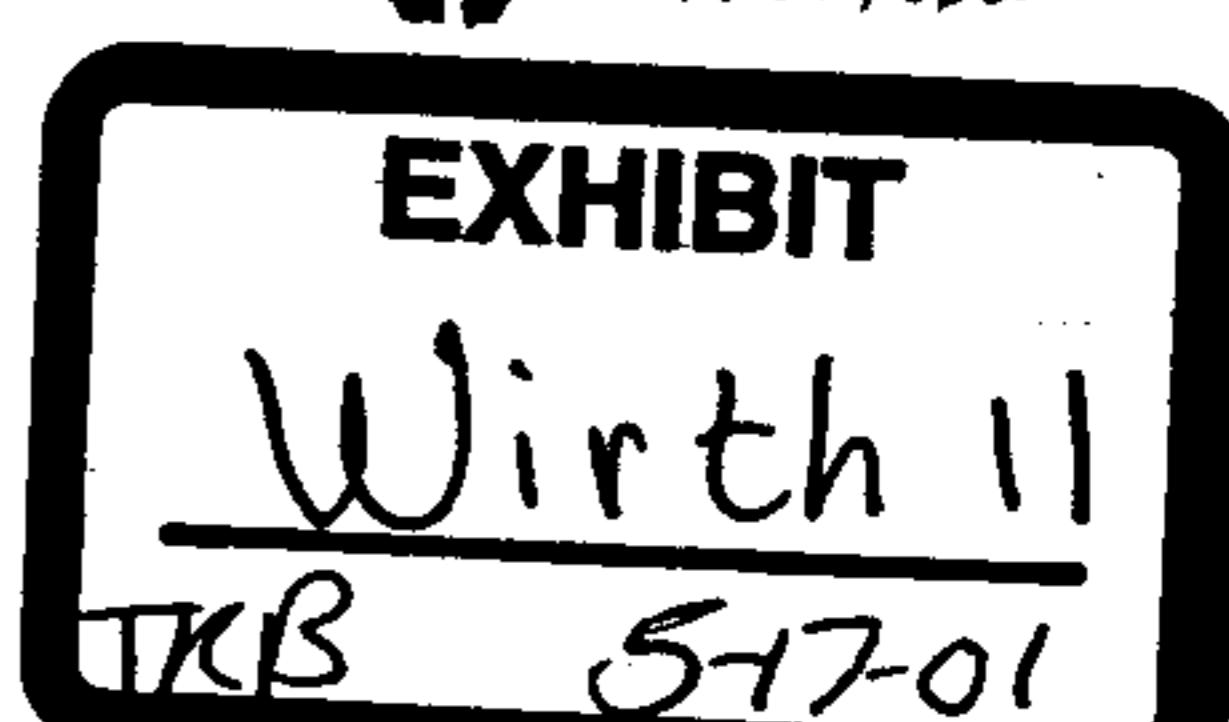
The Huntingdon County Planning Commission has reviewed the above referenced proposal to subdivide a property containing 94.67 acres into three lots. Lot 2 (the residue) contains 64.12 acres; Lot 3 contains 4.75 acres and Lot 4 contains 25.80 acres. Lot 1 was previously subdivided and is not included in this proposal. The property is located on the east side of Saw Mill Road (T-527) in Jackson Township. It is our understanding that Jackson Township has placed a moratorium on new subdivisions pending the adoption of a Subdivision and Land Development Ordinance.

The staff of the Planning Commission offers the following comments for your consideration:

1. The proposal is consistent with the draft Huntingdon County Comprehensive Plan. The land use proposed by the Plan for this area is Low Intensity Residential Use.
2. There are several physical limitations evident at the location of this proposal. Steep slopes (over 15%) can be found near the eastern boundary of the property in this proposal. No building construction should take place in steep slope areas. The soil types At, Atkins Silt Loam, and Ph, Philo and Basher Silt Loam, exist along Laurel Run, which runs through all the proposed lots. These are hydric soils and are typically found in wetland areas and near streams. The proposed house, studio, and sewage system for Lot 2 are within these soil types.

Blazosky Associates, Inc conducted a Wetlands Investigation of the project area for the developer. Further investigation should be done prior to approval to identify if wetland areas exist at the proposed construction site due to the snow cover during the

recycled paper



investigation and because maps submitted with the investigation did not identify the areas studied. No construction should take place in wetlands areas. No floodplains exist in the area of this proposal.

3. The Jackson Township Supervisors are in the process of adopting a Subdivision and Land Development Ordinance. The following comments are based on the draft Jackson Township Subdivision and Land Development Ordinance:

4. A new street is proposed on the plat to provide access to the lots in this development. Private streets (streets not offered for dedication to the Township) are prohibited unless they meet the design standards of the Ordinance (Section 502.A.6). This proposal would not be classified as a minor subdivision by the Ordinance. The definition of a Minor Subdivision in Section 204 is any subdivision containing not more than 4 lots fronting an existing street.

5. The proposal must comply with all requirements of Section 402, Preliminary Plan, and Section 403, Final Plan.

6. The following information required by Section 402 does not appear on the plat submitted:

Existing contour lines (Section 402.A.9).

Location and width of all streets, easements, right-of-ways, with a statement of any conditions governing their use (Section 402.A.14.a).

Building Setback lines along each street (Section 402.A.14.b). Building Setbacks are as follows: 40' from all right-of-way lines, 15' from property lines (Section 504.C 4,5).

Stormwater management information (Section 402.A.17.a through c).

Supplementary data as applicable (Section 402.B)

Section 403 requirements A through B.

7. The proposed street must also comply with Section 502 of the Ordinance. This section contains the required widths and specifications for a minor street. The Huntingdon County Planning Commission proposed a private driveway standard to Jackson Township in comments of the draft Ordinance on February 4, 2000. This standard, if adopted, in the Ordinance would provide a minimum standard for streets of this type.

8. A stream crossing will be necessary for the street to provide access to the lots as proposed. The developer indicated that he acquired the permit for this crossing. A copy of this permit must be submitted with other data to the Township prior to approval.

100 WED 15:22 ANN WIRTH

100

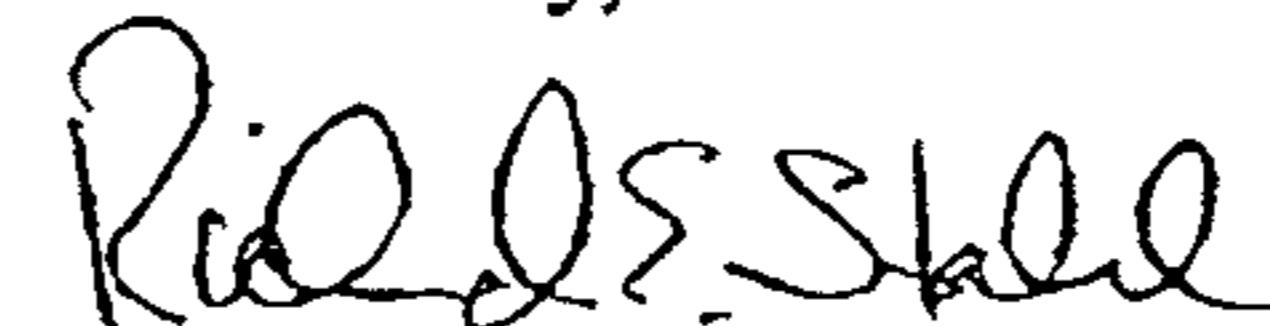
914 667 3892

P-86

9. A sewage easement is proposed for Lot 3 to use a portion of Lot 2 for the installation of a sewage system. The easement should be described on the submitted plat (bearings, distances, acreage) so that a description can be included in each lot deed affected.
10. The developer's surveyor indicated on the plat that a boundary discrepancy exists between the residual lot (Lot 2) and the adjacent property owner. The Township's Solicitor may want to identify if any legal issues exist if the plan is approved without this boundary issue being resolved.
11. A DEP Sewage Facilities Planning Module Component 1 was submitted as part of this proposal. This module and accompanying data indicate soils suitable for on-lot sewage disposal.
12. The Huntingdon County Planning Commission recommends disapproval of this proposal due to both the moratorium and the above comments.

Please contact this office with any questions concerning these comments. As always, the local municipality is encouraged to carefully review the subdivision/sewage module for compliance with Township and State requirements.

Sincerely,



Richard E. Stahl
Planning Director

DBY

File: GC, Sub, Mtg, C
Pc: Corneal
Simpson
Rouzer

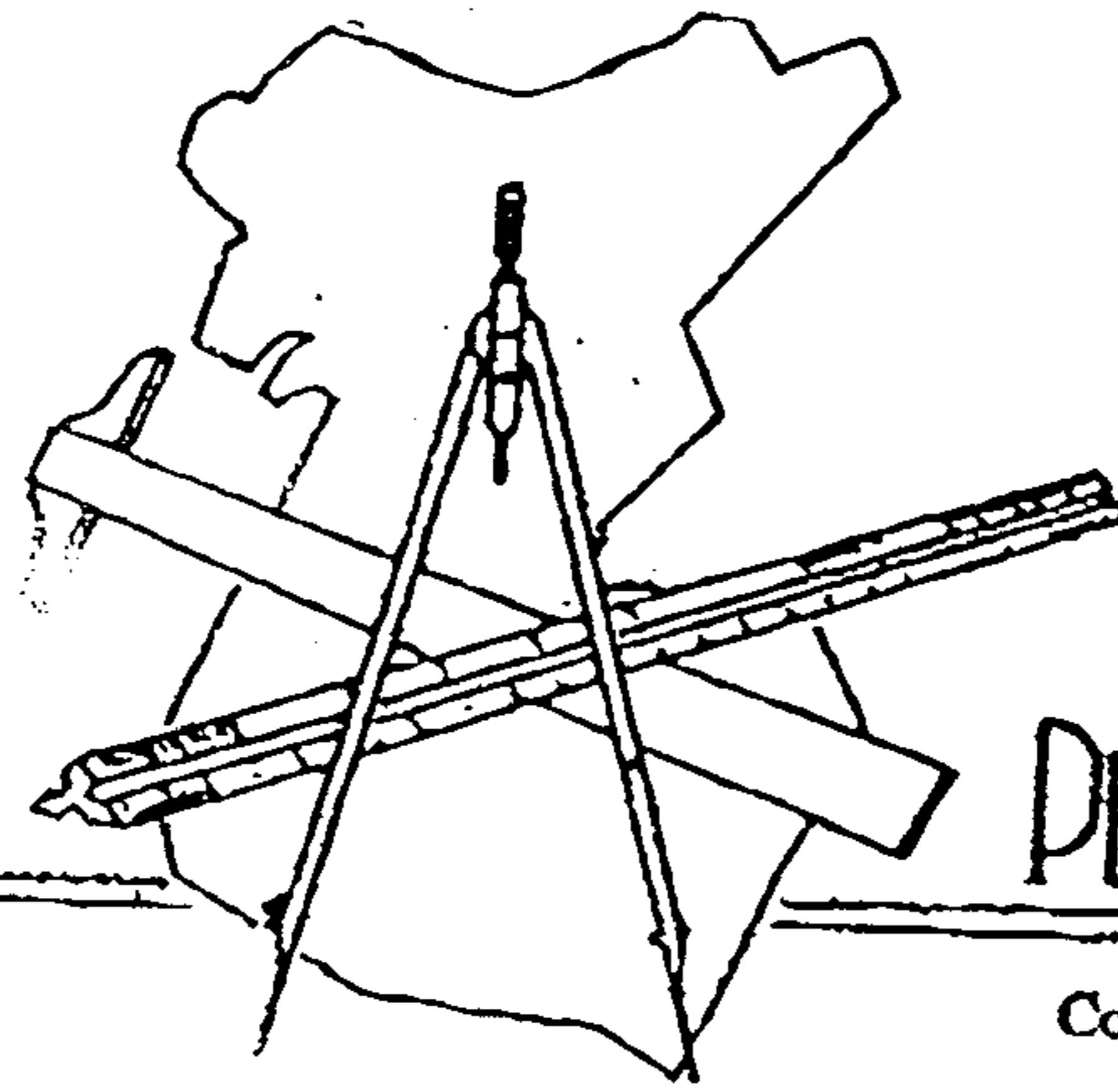
14

P. 82

HUNTINGDON COUNTY

PLANNING COMMISSION

(814) 643-5091



Court House - Huntingdon, Pennsylvania 16652

April 20, 2000

Mrs. Ann L. Wirth
Jackson Township Secretary
R.D. 1, Box 390
Petersburg, PA 16669

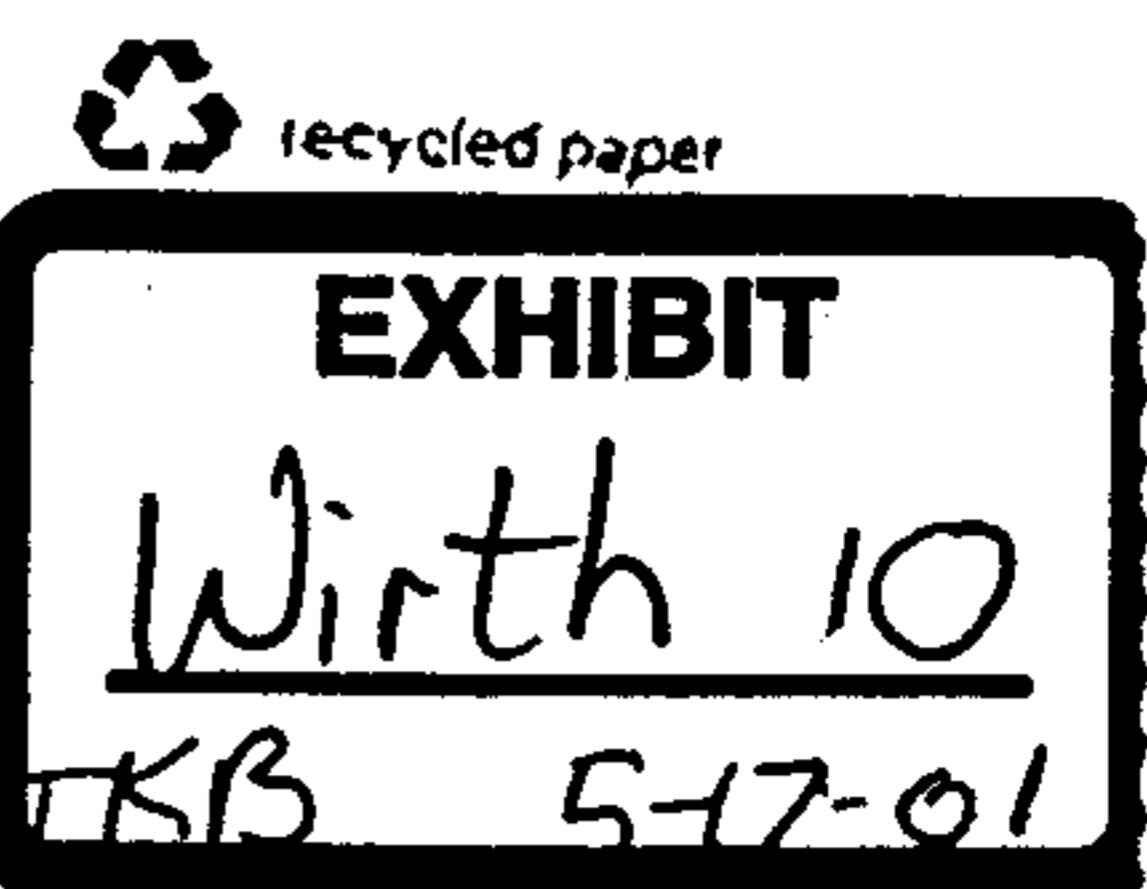
RE: David B. and Sandra Y. Corneal Minor Subdivision

Dear Mrs. Wirth:

The Huntingdon County Planning Commission has reviewed the above referenced proposal to subdivide a property containing 94.67 acres into two lots. A proposal was submitted at the March 22, 2000 Planning Commission meeting for this property as a three lot subdivision. This proposal is a resubmission. Lot 2 (the residue) contains 68.87 acres and Lot 3 contains 25.80 acres. Lot 1 was previously subdivided and is not included in this proposal. The property in this proposal is located on the east side of Saw Mill Road (T-527) in Jackson Township. It is our understanding that Jackson Township has placed a moratorium on new subdivisions pending the adoption of a Subdivision and Land Development Ordinance.

The staff of the Planning Commission offers the following comments for your consideration:

1. The proposal is consistent with the draft Huntingdon County Comprehensive Plan. The land use proposed by the Plan for this area is Low Intensity Residential Use.
2. There are several physical limitations evident at the location of this proposal. Steep slopes (over 15%) can be found near the eastern boundary of the property in this proposal. No building construction should take place in these steep slope areas. The soil types At, Atkins Silt Loam, and Ph, Philo and Basher Silt Loam, exist along Laurel Run, which runs through the proposed lots. These are hydric soils and are typically found in wetland areas and near streams. The proposed house, studio, and sewage system for Lot 2 are within these soil types.

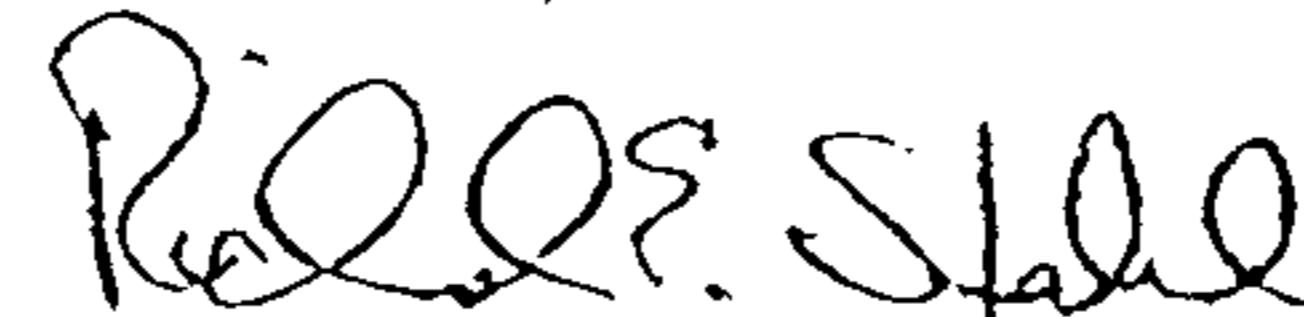


Blazosky Associates, Inc conducted a Wetlands Investigation of the project area for the developer. A detailed map and study data identifying the investigation area was submitted and indicates that no wetlands are present at the location of the lots in this proposal. The Huntingdon County Conservation District has noted that widening of the existing lane to access the new dwelling on Lot 2 may impact potential wetland areas. Road improvements should be limited to existing cartway widths.

3. The Jackson Township Supervisors are in the process of adopting a Subdivision and Land Development Ordinance. The proposal appears to be in compliance with the regulations of the draft ordinance. The building setbacks shown on the plat are in compliance with the draft ordinance. The title certificate on the plat should be completed and notarized prior to recording of the plat.
4. A stream crossing will be necessary for the driveway for Lot 2 to provide access to the proposed structures shown on the plat. The developer indicated that he acquired the permit for this crossing. A copy of this permit must be submitted with other data to the Township prior to approval.
9. The developer's surveyor indicated on the plat that a boundary discrepancy exists between the residual lot (Lot 2) and the adjacent property owner. The Municipal Solicitor may want to identify the existence of any legal issues if the plan is approved without resolution of these boundary issues.
10. A DEP Sewage Facilities Planning Module Component 1 was submitted as part of this proposal. This module and accompanying data indicate soils suitable for on-lot sewage disposal.
11. The Huntingdon County Planning Commission recommends conditional approval of this proposal pending adoption of the Subdivision and Land Development Ordinance.

Please contact this office with any questions concerning these comments. As always, the local municipality is encouraged to carefully review the subdivision/sewage module for compliance with Township and State requirements.

Sincerely,



Richard E. Stahl
Planning Director

DBY

File:GC,Sub,Mtg,C

Pc: Corneal
Simpson
Rouzer

TABLE OF CONTENTS

| | | |
|--------------|--|----|
| Article II | General Provisions | 3 |
| Section 1.00 | Intent | 3 |
| 1.01 | Applicability | 3 |
| 1.02 | Abrogation & Greater Restrictions | 4 |
| 1.03 | Severability | 4 |
| 1.04 | Warning and Disclaimer of Liability | |
| Article II | Definitions | 4 |
| Section 2.00 | General | |
| 2.01 | Specific Definitions | 5 |
| Article III | Administration | 8 |
| Section 3.00 | Building Permits Required | 8 |
| 3.01 | Issuance of Building Permits | 8 |
| 3.02 | Application Procedures & Requirements | 9 |
| 3.03 | Review of Application by Others | 12 |
| 3.04 | Changes | 12 |
| 3.05 | Placards | 12 |
| 3.06 | Start of Construction | 12 |
| 3.07 | Inspection & Revocation | 13 |
| 3.08 | Fees | 14 |
| 3.09 | Enforcement | 14 |
| 3.10 | Appeals | 15 |
| Article IV | General Provisions | 16 |
| Section 4.00 | Design Standards | 16 |
| Article V | Floodplain Provisions | 16 |
| Section 5.00 | Construction or Development | 16 |
| 5.01 | Identification | 16 |
| Article VI | Variances | 18 |
| Section 6.00 | General | 18 |
| 6.01 | Variance Procedures & Requirements | 18 |
| Article VII | Technical Provisions | 20 |
| Section 7.00 | General | 20 |
| 7.01 | Special Floodway & Stream Setback Requirements | 20 |
| 7.02 | Elevation and Flood- proofing Requirements | 21 |

| | | |
|---|--|----|
| 7.03 | Design and Construction Standards | 22 |
| 7.04 | Development Which May Endanger Human Life | 25 |
| 7.05 | Special Requirements for Manufactured Homes | 26 |
| Article VIII General | | 27 |
| Section 8.00 | General | 27 |
| 8.01 | Application Requirements for Special Permits | 27 |
| 8.02 | Application Review Procedures | 30 |
| 8.03 | Special Technical Requirements | 31 |
| Article IX Existing Structures in Identified Floodplain Areas | | 32 |
| Section 9.00 | General | 32 |

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR THE CONSTRUCTION, RECONSTRUCTION, EN-LARGEMENT, ALTERATION, OR RELOCATION OF ANY BUILDING OR STRUCTURE: PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS; AND PROVIDING FOR PENALTIES FOR ANY PERSONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THE ORDINANCE.

BE IT ENACTED AND ORDAINED BY the Jackson Township Supervisors, Huntingdon County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

ARTICLE I GENERAL PROVISIONS

Section 1.00 Intent

The intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.

Section 1.01. Applicability

- A. It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township unless a Building Permit has been obtained from the Building Permit Officer.
- B. A building permit shall not be required for minor repairs to existing buildings or structures.

Section 1.02 Abrogation and Greater Restrictions

This Ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other Ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

Section 1.03 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and for this purpose, the provisions of this Ordinance are hereby declared to be severable.

Section 1.04 Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain area, or that land uses permitted within such areas will be free from flooding or flood damages.

This Ordinance shall not create liability on the Part of the Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

ARTICLE II DEFINITIONS

Section 2.00 General

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application.

Section 2.01 Specific Definitions

- A. Accessory use or structure - a use of structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- B. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
- C. Completely dry space - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.
- D. Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes.
- E. Development - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.
- F. Essentially dry space - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.
- G. Flood - a temporary inundation of normally dry land areas.
- H. Floodplain - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river, or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- I. Floodproofing - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

- J. FW (Floodway Area) - the areas identified as "Floodway" in the Flood Insurance Study prepared by FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study prepared by FEMA.
- K. FF (Flood-Fringe Area) - the areas identified as "Floodway Fringe" in the Flood Insurance Study prepared by FEMA.
- L. Identified Floodplain Area - the floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood. Included would be areas identified as Floodway (FW), Flood-Fringe (FF), and General Flood Plain (FA).
- M. Land Development - (i) the improvement of one lot, or two or more contiguous lots, tracts, or parcels of land for any purpose involving: (a) a group of two or more buildings, or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features; (ii) a subdivision of land.
- N. Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR - 60.3
- O. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or

other work affecting public health or general safety.

- P. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term includes park trailers, travel trailers, recreational, and other similar vehicles placed on a site for more than 180 consecutive days.
- Q. Manufactured home park - a parcel (or contiguous parcels) of land which has been planned and improved for the placement of two or more manufactured homes.
- R. Obstruction - any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, (i) which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or (ii) which is placed where the flow of the water might carry the same downstream to the damage of life and property.
- S. One hundred year flood - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year).
- T. Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
- U. Regulatory flood elevation - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.
- V. Special permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions, and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

- W. Structure - anything constructed or erected on the ground, or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items.
- X. Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other division of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or lot development, provided however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.
- Y. Substantial Improvement - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.

ARTICLE III ADMINISTRATION

Section 3.00 Building Permits Required

Building permits shall be required before any construction or development is undertaken within any area of the Township.

Section 3.01 Issuance of Building Permits

- A. The Building Permit Officer shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Prior to the issuance of any building permit, the Building Permit Officer shall review the application for permit to determine if all other necessary governmental permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Dam Safety and Encroachments Act (Act 1978-325, as amended); the US Clean Water Act, Section 404, 33, USC 1334; and the Pennsylvania Clean Streams Act (Act 1937-394, as amended). Highway Occupancy Permit (Act 1986-43) No permit shall be issued until this determination has been made.

C. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the municipality prior to any alteration or relocation of any watercourse.

Section 3.02 Application Procedures and Requirements

A. Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Township. Such applications shall contain the following:

1. Name and address of applicant.
2. Name and address of owner of land on which proposed construction is to occur.
3. Name and address of contractor.
4. Site location.
5. Listing of other permits required.
6. Brief description of proposed work and estimated cost.
7. A plan of the site showing the size and location of the proposed construction as well as any existing buildings or structures.

B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:

- (a) all such proposals are consistent with the need to minimize flood damage and conform

with the requirements of this and all other applicable codes and ordinances;

- (b) all utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
- (c) adequate drainage is provided so as to reduce exposure to flood hazards.

Applicants shall file the following minimum information, plus any other pertinent information as may be required by the Building Permit Officer to make the above determination:

1. A completed Building Permit Application Form.
2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. north arrow, scale, and date;
 - b. topographic contour lines, if available;
 - c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - d. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
 - e. the location of all existing streets, drives, and other accessways; and
 - f. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water, including direction and velocities.
3. Plans of all proposed buildings, structures, and other improvements, drawn at suitable scale showing the following:

- a. the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
- b. the elevation of the one hundred (100) year flood;
- c. if available, information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with a one hundred (100) year flood; and
- d. detailed information concerning any proposed floodproofing measures.

4. The following data and documentation:

- a. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one foot at any point.
- b. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact, and uplift forces associated with the one hundred (100) year flood.

Such a statement shall include a description of the type and extent of flood-proofing measures which have been incorporated into the design of the structure and/or the development.

- c. detailed information needed to determine compliance with Section 7.03 F., Storage, and Section 7.04, Development Which May Endanger Human Life, including:
 - (i) the amount, location, and purpose of any materials or substances referred to in Sections 7.03 F and 7.04 which are intended to be used, produced, stored, or otherwise maintained on site.
 - (ii) a description of the safeguards incorporated into the design of the

proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 7.04 during a one hundred (100) year flood.

- d. the appropriate component of the Department of Environmental Resources "Planning Module for Land Development."
- e. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources, to implement and maintain erosion and sedimentation control.

Section 3.03 Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Building Permit Officer to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

Section 3.04 Changes

After the issuance of a building permit by the Building Permit Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications, or other documents submitted with the application without the written consent or approval of the Building Permit Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Building Permit Officer for consideration.

Section 3.05 Placards

In addition to the building permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance, and be signed by the Building Permit Officer.

Section 3.06 Start of Construction

Work on the proposed construction shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction shall be considered to

Time period

have started with the first placement of permanent construction on the site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling; excavation for basement, footings, piers, or foundations; erection of temporary forms; the installation of piling under proposed subsurface footings; or the installation of sewer, gas, and water pipes, or electric or other service lines from the street.

note

The extension shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request.

Section 3.07 Inspection and Revocation

- A. During the construction period, the Building Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.
- B. In the discharge of his duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
- C. In the event the Building Permit Officer discovers that the work does not comply with the permit applications or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such facts to the Supervisors for whatever action they consider necessary.
- D. A record of all such inspections and violations of this Ordinance shall be maintained.

Section 3.08 Fees

Applications for a building permit shall be accompanied by a fee, payable to the municipality, based upon the estimated cost of the proposed construction, as determined by the Building Permit Officer, at the following rates:

Fee Schedule

| Building Cost | Fee |
|--|---------|
| \$0 - \$999 Dollars | \$10.00 |
| \$1,000 + | \$20.00 |
| Non-Buildings (eg. fences, above ground pools, filling, grading, excavating, paving, utilities, mining, dredging etc.) | \$ 0.00 |

Fee Schedule

Section 3.09 Enforcement

A. Notices

Whenever the Building Official or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, or of any regulations adopted pursuant thereto, such authority shall give notice of such alleged violation as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time for the performance of any act it requires; (d) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state; (e) contain an outline of remedial action which, if taken, will affect compliance with the provisions of this Ordinance, or any part thereof, and with the regulations adopted pursuant thereto.

B. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order, or direction of the Building Permit Officer

or any other authorized employee of the municipality, shall be guilty of an offense and, upon conviction, shall pay a fine to the Township of not less than Twenty-five Dollars (\$25) nor more than Three Hundred Dollars (\$300), plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any structure or building construction, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Supervisors to be a public nuisance and abatable as such.

Section 3.10 Appeals

- A. Any person aggrieved by an action or decision of the Building Permit Officer involving administration of the provisions of the Ordinance may appeal to the Township Supervisors. Such appeal must be filed, in writing, within thirty (30) days after the decision or action by the Building Permit Officer.
- B. Upon receipt of such appeal, the Township Supervisors shall set a time and place, within not less than ten (10) nor more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place of the hearing of the appeal shall be given to all the parties.
- C. Any person aggrieved by any decision of the Supervisors may seek relief therefrom by appeal to court, as provided by the laws of the Commonwealth, including the Pennsylvania Flood Plain Management Act.

ARTICLE IV GENERAL PROVISIONS

Section 4.00 Design Standards

The plans and specifications submitted as provided in Section 3.02 above shall conform to the

~~669-11~~

Amz

667-3891¹⁶

Tommy

open

Wd.

aff

following requirements, and any building constructed within the Township, or any addition to any existing building therein, must conform to the following requirements:

- A. No building shall be located closer than forty (40) feet from the street right-of-way or sixty-five (65) feet from the street centerline.
- B. No building shall be located closer than fifteen (15) feet from any property line, and no residence shall be constructed within thirty (30) feet of an existing residential structure.
- C. No building or structure shall be constructed closer than fifty (50) feet from the top-of-bank of any watercourse.

ARTICLE V FLOODPLAIN PROVISIONS

Section 5.00 Construction or Development

- A. Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.
- B. Repairs, improvements, or modifications to an existing structure which amount to less than fifty (50) percent of the market value are permitted provided such work does not result in the expansion or enlargement of the structure.

Section 5.01 Identification

- A. For the purposes of this Ordinance, the areas considered to be floodplain within the Township shall be those areas identified as being subject to flooding by a one hundred (100) year flood in the Flood Insurance Study prepared for the Township by the Federal Emergency Management Agency or the most recent revision thereof, or the areas shown as such on the most recent (FIRM) Flood Insurance Rate Map.
- B. A map showing all areas considered to be subject to the one hundred (100) year flood is available for inspection at the Township office. For the purposes of this Ordinance,

the following nomenclature is used in referring to the various kinds of floodplain areas:

AE The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which one hundred (100) year flood elevations have been provided in the FIS.

FA (General Floodplain Area) - the areas identified as "Approximate 100 year Floodplain" in the Flood Insurance Study prepared by FEMA.

C. The FA (General Floodplain Area) shall be that floodplain for which no detailed flood elevations or floodway information is provided. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study prepared by FEMA. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources, shall be used when available. When such other acceptable information is not available, the applicant for the proposed use, development, or activity shall determine the one hundred (100) year flood elevation in accordance with hydrologic and hydraulic engineering techniques.

D. The identified floodplain area may be revised or modified by the Township Supervisors where studies or information provided by a qualified agency or person documents the need for such revision or modification. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency.

E. Should a dispute concerning any identified floodplain boundary arise, any party aggrieved by such determination may appeal to the Supervisors. The burden of proof shall be on the appellant.

F. The Municipality reserves the right to require the applicant to delineate a floodway area and provide sufficient documentation to demonstrate that his proposed activity, together with all other existing and

anticipated development, uses, and activities, will not increase the water surface elevation of the one hundred (100) year flood more than one (1) foot at any point. The engineering principle of equal reduction of conveyance, shall be used to make the determination of increases in flood heights.

G. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

ARTICLE VI VARIANCES

Section 6.00 General

If compliance with any of the requirements of this ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Township Supervisors may, upon request, grant relief from the strict application of the requirements.

Section 6.01 Variance Procedures and Requirements

Requests for variance shall be considered by the Township Supervisors in accordance with the following:

- A. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.
- B. Except for a possible modification of the one and one-half (1 1/2) foot freeboard requirements, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permits (Article VIII) or to Development Which May Endanger Human Life (Section 7.04).
- C. If granted, a variance shall involve only the least modification necessary to provide relief.
- D. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to

protect public health, safety, and welfare, and to achieve the objectives of this Ordinance.

E. Whenever a variance is granted, the Township shall notify the applicant in writing that:

- a. the granting of the variance may result in increased premium rates for flood insurance.
- b. such variances may increase the risks to life and property.

F. In reviewing any request for a variance, the Township shall consider, but be limited to, the following:

- a. that there is good and sufficient cause.
- b. that failure to grant the variance would result in exceptional hardship to the applicant.
- c. that the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expenses; (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State statute or regulations, or local ordinances or regulations.

G. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

ARTICLE VII TECHNICAL PROVISIONS

Section 7.00 General

A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the

municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Resources, the Bureau of Dams and Waterway Management.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified prior to any alteration or relocation of any watercourse.

- B. Any new construction, development, uses, or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances, and regulations.
- C. Within any AE Area/District, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one (100) year flood more than one (1) foot at any point.

Section 7.01 Special Floodway and Stream Setback Requirements

- A. Within any floodway area, the following provisions apply:
 1. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
 2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.
- B. Within any FA (General Floodplain Area) or AE Area, the following provisions apply:
 1. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

2. Any new construction, development, use, activity, or encroachment which would cause any increase in flood heights shall be prohibited within a floodway area delineated by an applicant.

Section 7.02 Elevation and Floodproofing Requirements

A. Residential Structures

Within any Identified Flood Plain Area, the lowest floor (including the basement) of any new or substantially improved residential structure shall be at least one and one-half (1 1/2) feet above the one hundred (100) year flood elevation.

B. Non-Residential Structures

1. Within any Identified Flood Plain Area, the lowest floor (including the basement) of any new or substantially improved non-residential structure shall be at least one and one-half (1 1/2) feet above the one hundred (100) year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
2. Any non-residential structure, or part thereof, having a lowest floor (including basement) which is not elevated to at least one and one half (1 1/2) feet above the one hundred year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W-1 or W-2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

C. Enclosed Areas Below the Lowest Floor

Enclosed areas below the lowest floor (including the basement) are prohibited.

Section 7.03 Design and Construction Standards

The following standards shall apply for all construction and development proposed within any identified floodplain area:

A. Fill

If fill is used, it shall:

1. extend laterally at least fifteen (15) feet beyond the building line from all points.
2. consist of soil or small rock materials only. Sanitary Landfills shall not be permitted.
3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
4. be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer.
5. be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed, and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be

located so as to avoid impairment to it, or contamination from it, during a flood.

D. Other Utilities

All other utilities, such as, gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Storage

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 7.04, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

G. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls, and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain

without causing structural damage to the building.

2. Plywood used at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

J. Paints and Adhesives

1. Paints or other finishes used at or below the Regulatory Flood Elevation shall be of a "marine" or water-resistant quality.
2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or water-resistant quality.
3. All wooden components (doors, trim, cabinets, etc.) used at or below the Regulatory Flood Elevation shall be finished with a "marine" or water-resistant paint or other finishing material.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment

Water heaters, furnaces, air conditioning, and ventilating units, and other electrical, mechanical, or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

M. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

Section 7.04 Development Which May Endanger Human Life

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which:

- will be used for the production or storage of any of the following dangerous materials or substances; or,
- will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
- will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- a. Acetone
- b. Ammonia
- c. Benzene
- d. Calcium carbide
- e. Carbon disulfide
- f. Celluloid
- g. Chlorine
- h. Hydrochloric acid
- i. Hydrocyanic acid
- j. Magnesium
- k. Nitric acid and oxides of nitrogen

- l. Petroleum products (gasoline, fuel oil, etc.)
- m. Phosphorus
- n. Potassium
- o. Sodium
- p. Sulphur and sulphur products
- q. Pesticides (including insecticides, fungicides, and rodenticides)
- r. Radioactive substances, insofar as such substances are not otherwise regulated.

B. Within any FW (Floodway Area), any structure of the kind described in Subsection A, above, shall be prohibited.

C. Within any FA (General Floodplain Area), any structure of the kind described in Subsection A, above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

D. Where permitted within any FF (Flood-Fringe Area) or FA (General Floodplain Area) or AE Area, any structure of the kind described in Subsection A, above shall be:

1. elevated or designed and constructed to remain completely dry up to at least one and one-half (1 1/2) feet above the one hundred (100) year flood and
2. designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

Section 7.05 Special Requirements for Manufactured Homes

- A. Within any floodway area, manufactured homes shall be prohibited.
- B. Within any FA (General Floodplain Area) or AE Area, manufactured homes shall be prohibited

within the area measured fifty (50) feet landward from top-of-bank of any watercourse.

C. Where permitted within any floodplain area, all manufactured homes, and any additions thereto, shall be:

1. placed on a permanent foundation.
2. elevated so that the lowest floor of the manufactured home is one and one half (1 1/2) feet or more above the elevation of the one hundred (100) year flood.
3. anchored to resist flotation, collapse, or lateral movement.

ARTICLE VIII

Section 8.00 General

In accordance with the administration regulations promulgated by the Department of Community Affairs to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area unless a Special Permit has been issued by the Township.

A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

1. hospitals
2. nursing homes
3. jails or prisons

B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

Section 8.01 Application Requirements for Special Permits

Applicants for Special Permits shall provide five copies of the following items:

A. A written request including a completed Building Permit Application Form.

- B. A small scale map showing the vicinity in which the proposed site is located.
- C. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - 1. north arrow, scale, and date;
 - 2. topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;
 - 3. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - 4. the location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 - 5. the location of any existing bodies of water or watercourses, buildings, structures, and other public or private facilities, including railroad tracks and facilities and any other natural and man-made features affecting, or affected by, the proposed activity or development;
 - 6. the location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;
 - 7. the location of all proposed buildings, structures, utilities, and any other improvements; and
 - 8. any other information which the municipality considers necessary for adequate review of the application.
- D. Plans of all proposed buildings, structures, and other improvements, clearly and legibly drawn at suitable scale showing the following:
 - 1. sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate;

2. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
3. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;
4. detailed information concerning any proposed flood-proofing measures;
5. cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
6. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
7. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

1. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
2. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;
3. a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;
4. a statement certified by a registered professional engineer, architect, or

landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows;

5. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;
6. the appropriate component of the Department of Environmental Resources' "Planning Module for Land Development;"
7. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control;
8. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under Section 302 of Act 1978-166; and
9. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

Section 8.02 Application Review Procedures

Upon receipt of an application for a Special Permit by the Township, the following procedures shall apply in addition to those of Article III:

- A. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township, Planning Commission, and Township

Engineer (to be retained by the applicant) for review and comment.

- B. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respect the application is deficient.
- C. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- D. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered or certified mail, within five (5) working days after the date of approval.
- E. Before issuing the Special Permit, the Township shall allow the Department of Community Affairs thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township.
- F. If the Township does not receive any communication from the Department of Community Affairs during the thirty (30) day review period, it may issue a Special Permit to the applicant.
- G. If the Department of Community Affairs should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and Township shall not issue the Special Permit.

Section 8.03 Special Technical Requirements.

- A. In addition to the requirements of Article VII of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Article VII of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
- B. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed, and maintained in a manner which will:

1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - a. the structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation.
 - b. the lowest floor elevation will be at least one and one half (1 1/2) feet above the one hundred (100) year flood elevation.
 - c. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.
2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community Affairs.

ARTICLE IX EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Section 9.00 General

Structures existing in any identified floodplain area prior to the enactment of this Ordinance may continue subject to the following provision:

- A. No expansion or enlargement of an existing structure shall be allowed within any identified floodway that would cause any increase in flood heights.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure,

to an extent or amount of fifty (50) percent or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

- C. Any modification, alteration, reconstruction, improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

Adopted at a Regular meeting of the Board of
Supervisors of Jackson Township, Huntingdon County,
Pennsylvania on the 31st day of July, 1987

Ralph Weiler
Chairman

George F. Pearson

LeRoy J. Kirk Seal
Attest

Township Seal

16

JACKSON TOWNSHIP BOARD OF SUPERVISORS
RD#1, BOX 390, PETERSBURG, PA. 16669
814-667-2992 - FAX 814-667-3892

October 10, 2000

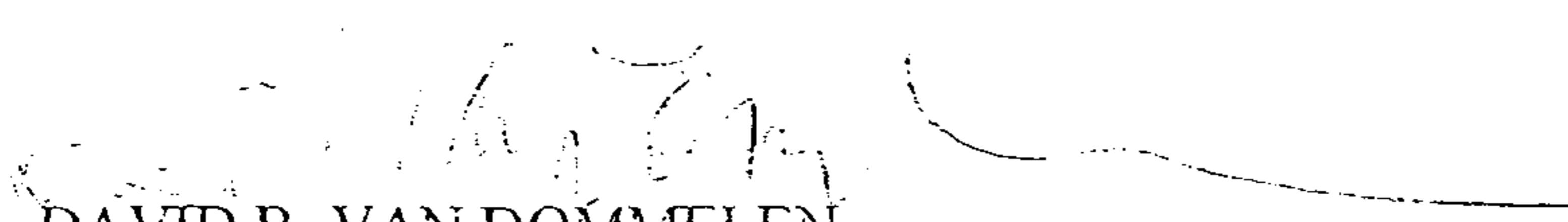
Mr. & Mrs. David B. Corneal
505 East Fairmont Avenue
State College, Pa. 16801

Dear Mr. And Mrs. Corneal:

Please be advised that Jackson Township has referred to me for review your applications for buildings permits. As you may be aware, the Township's Building Permit Ordinance provides that the Building Permit Officer "shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances." Further, the Ordinance provides that prior to the issuance of any building permit, the Permit Officer "shall review the application for permit to determine if all other necessary governmental permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act."

For the following reasons, your applications are being denied: First, you have not complied with the Pennsylvania Sewage Facilities Act. At this time, you do not have a sewage permit. A building permit cannot be issued without a sewage permit. While you submitted Sewage Facilities Planning Modules to the Township, the Township cannot forward the Planning Modules to the Department of Environmental Protection for review until you meet the requirements of the Township's Subdivision and Land Development Ordinance. A copy of the Ordinance is enclosed. Second your application inadequately described the proposed construction. Third, you did not include an adequate plan of the site showing the size and location of the proposed construction as well as any existing buildings. Fourth, you have not complied with the Township's Driveway Ordinance, a copy of which is enclosed. Fifth, as noted above you have failed to comply with the Township's Subdivision and Land Development Ordinance.

Very truly yours,


DAVID B. VAN DOMMELEN
Building Permit Officer

EXHIBIT

Van Dommele
JBR 2 6-6-01

EXHIBIT

Wirth 13
JBR 5-7-01

17

DAVID B. CORNEAL

ATTORNEY AT LAW

1445 WEST COLLEGE AVENUE
STATE COLLEGE, PENNSYLVANIA 16801

(814) 238-1925
(814) 238-1929

MEMBER:
PENNSYLVANIA BAR
FLORIDA BAR

Mr. David Van Dommelen
R.D. 1, Box 631
Petersburg, Pa. 16669

May 5, 2000

RE: Garage Building Permit

Dear Mr. Van Dommelen,

Since you have failed to call me as promised, or to return my phone call, regarding my requested Building Permit, I assume you are continuing to hold in your stated position from our last Thursday meeting in your home.

At that time I brought you a copy of my building plan for a garage approximately 20' by 40'. As stated at that meeting, since there was no sewer or water in the garage, I qualified for a building permit. In fact, you stated that if any other Jackson Township property owner requested a permit to construct a garage, you would issue them the permit. Your justification for refusing to give me even an application for a permit was that I was that "trouble making yuppie from over the mountain" and the supervisors told you not to give me any building permits. You then proceeded to call the individual supervisors for further instructions. In my presence, you got Tom Wilson on the phone who told you not to grant me the building permit after you explained to him that it was just for a garage 20' by 40'. You then told me that the supervisors were meeting the next morning (Friday April 28) to discuss my permit and that you would then call me. I then wrote down two phone numbers where you could reach me 24 hours a day or night.

Having not heard from you, I called you on Wed. May 3 and left a message on your answering machine to call me. You have obviously chosen to ignore the promise or my request. Where upon you asked me to leave, refusing to give me even an application form for a building permit.

If you disagree with any of the facts set forth herein please advise me in writing.

Sincerely

David B. Corneal, Esq.

EXHIBIT

Van Dommelen
TKB 1 6-6-01

EXHIBIT

Wirth 15
TKB 5-17-01

18

SUGGESTED IDEAS

BUILDING PERMIT FEES AND B.P. OFFICER % FEE

| | | PERMIT | B.P.O. % |
|----|----------------------|---------|----------|
| | 0 - \$ 999 | \$15.00 | \$ 6.00 |
| \$ | 1,000 - \$ 15,999 | \$20.00 | \$ 8.00 |
| \$ | 16,000 - \$ 24,999 | \$30.00 | \$ 12.00 |
| \$ | 25,000 - \$ 35,999 | \$40.00 | \$ 16.00 |
| \$ | 36,000 - \$ 49,000 | \$50.00 | \$ 20.00 |
| \$ | 50,000 - \$ 99,999 | \$60.00 | \$ 24.00 |
| \$ | 100,000 - \$ 499,999 | \$70.00 | \$ 28.00 |

A \$10.00 fee will be charged for any additional follow-up trips after the initial contact.

SUBMITTED BY

David B Van Dommelen
Jackson Township
Building Permit Officer

March 7, 1994

EXHIBIT

Van Dommelen
TKB 4 68-01

| NAME | FEE | DATE | PERMIT NO | VALUE | PURPOSE |
|--------------------------|---------|----------|-----------|------------|--------------|
| Roland G. Yoder | \$20.00 | 12/6/89 | 25-89n | \$10,000 | living qtrs. |
| Leslie L. Lutz Jr. | \$20.00 | 12/16/89 | 26-89n | \$4,000. | Mobile home |
| Charles Wirth | \$20.00 | 3/3/90 | 01-90 | \$45,000 | House |
| James Stewart | \$20.00 | 3/6/90 | 02-90 | \$1400.00 | storage shed |
| Raymond Tussey | \$20.00 | 3/12.90 | 03-90 | \$5,000.00 | machinestor |
| Marie H. Porter | \$20.00 | 3/12/90 | 04-90 | \$3,000.00 | garage |
| Donald H. Gibboney | \$10.00 | 3/22/90 | 05-90 | \$500.00 | storage |
| Albert Hershey | \$10.00 | 3/31/90 | 06-90 | \$400.00 | faimly room |
| Stoney Lonesome R&G club | \$20.00 | 3/31/90 | 07-90 | \$16,000 | camp |
| Thomas Eckley | \$20.00 | 4/7/90 | 08-90 | \$5400.00 | garage |
| Robert Nichol | \$20.00 | 4/9/90 | 09-90 | \$40,000 | remodel |
| Laurence Moyer | \$20.00 | 4/27/90 | 10-90 | \$7500.00 | house |
| Walter C. Hagans | \$20.00 | 5/7/90 | 11-90 | 2000.00 | mobile |
| | | | | | home |
| David P. Melson | \$20.00 | 5/16/90 | 12-90 | 11,200.00 | porch |
| Wilbur Foster | \$10.00 | 5/23/90 | 13-90 | \$200.00 | roof |
| D & D Hamberger | \$20.00 | 5/25/90 | 14-90 | \$35,000 | Addition to |
| | | | | | Summer Home |
| D. Van Dommelen | \$20.00 | 6/2/90 | 15-90 | \$4000.00 | Extension |
| Richard Rudy | \$20.00 | 6/12/90 | 16-90 | \$3500.00 | Garage |
| Andrew Couch | \$10.00 | 7/7/90 | 17-90 | \$400.00 | Porch |
| Richard Chura | \$20.00 | 7/8/90 | 18-90 | \$50,000 | House/Camp |
| Walter Garner | \$10.00 | 7/10/90 | 19-90 | \$100.00 | Roof Repair |
| Kevin Monihen | \$20.00 | 7/17/90 | 20-90 | \$50,000 | Build House |
| J & N Albright | \$20.00 | 7/17/90 | 21-90 | \$1,700 | Horse Barn |
| E. Scott Walker | \$10.00 | 7/20/90 | 22-90 | \$500. | Storage She |
| Kenneth Miller | \$20.00 | 7/28/90 | 23-90 | \$2239.78 | Utility Bui |
| Hazel M. Briggs | \$10.00 | 8/4/90 | 24-90 | 400.00 | Gazebo |
| | | | | | House Side |

| NAME | FEES | DATE | PERMIT NO. | VALUE | PROJECT |
|-------------------------|----------------|---------------|-------------|----------------|---------------------|
| Richard A. Boonie | \$20.00 | 8/9/90 | 25-90 | \$55,000 | Home |
| James Simparosa | \$20.00 | 8/23/90 | 26-90 | 2,000 | Trailer Extent |
| David B. Van Dommelen | \$20.00 | 8/28/90 | 27-90 | \$5,000 | Studio Extend |
| Eugene Bigelow | \$10.00 | 9/12/90 | 28-90 | \$300.00 | Porch & cellar door |
| Donald Biddle | \$20.00 | 9/23/90 | 29-90 | \$5867 | Garage |
| Mary Dukeman | \$20.00 | | 30-90 | | Garage |
| Caroline A. McGraw | \$20.00 | 10/10/90 | 31-90 | \$72,000 | House |
| Clifford D. Towson | \$20.00 | 10/14/90 | 32-90 | \$100,000 | House |
| Jeffery Shoemaker | \$20.00 | 10/22/90 | 33-90 | \$80,000 | House |
| Robert Nichols | \$20.00 | 10/22/90 | 34-90 | \$2500. | Mobile Home |
| James Morris | \$20.00 | 10/26/90 | 35-90 | @2,600. | Garage |
| Ken Miller | \$20.00 | 10/30/90 | 36-90 | \$500,000. | 4 buildings at Mill |
| Fred K. Tucker | \$20.00 | 10/3/90 | 37-90 | \$150,000. | House & Ga |
| Scott Pletcher | \$20.00 | 11/29/90 | 38-90 | \$4000.00 | Garage |
| Sumner Smith | \$20.00 | 16/1/91 | 1-91 | \$5500.00 | IceCream Stan |
| Norman Keller | \$20.00 | 1/23/91 | 2-91 | \$5000.00 | Family Room |
| <i>Fred V Schillenq</i> | <i>\$20.00</i> | <i>2/3/91</i> | <i>3-91</i> | <i>1500.00</i> | <i>Barn</i> |
| Robert Reese | \$10.00 | 3/19/91 | 4-91 | \$600.00 | Siding |
| Bruce Smith | \$20.00 | 3/26/91 | 5-91 | \$8,000. | Pole Barn |
| Robert Guyer Sr. | \$10.00 | 4/2/91 | 6-91 | \$1,000 | Extend House |
| Chester Benson | \$20.00 | 4/4/91 | 7-91 | \$3,000. | Car Port |
| Larry H. Ross | \$20.00 | 4/12/91 | 8-91 | \$2,000 | Siding, etc. |
| Lawrence Moyer | \$10.00 | 4/15/91 | 9-91 | \$1,000 | Deck & shkirti |
| Walnut Acres Camp | \$10.00 | 5/6/91 | 10-91 | \$400. | Pavilion |
| Robert Herr - Camp | \$10.00 | 11/5/91 | 11-91 | \$1,000 | Roof etc. |
| Robert Nichols | \$20.00 | 5/16/91 | 12-91 | \$12,000 | Barn |
| James Leisey | \$10.00 | 5/23/91 | 13-91 | \$1,000 | Barn |
| Ricky Watt | \$20.00 | 5/23/91 | 14-91 | \$2,500 | CarPort |
| Willard Yoder | \$20.00 | 5/28/91 | 15-91 | \$80,000 | House |

| NAME | FEE | DATE | PERMIT | NO. VALUE | PURPOSE |
|-----------------------------|---------|----------|--------|-----------|------------------|
| Walter Hagans | \$20.00 | 5/28/91 | 16-91 | \$1,500 | Carport |
| James Leisey | \$10.00 | 5/30/91 | 17-91 | \$600.00 | Front Roof |
| Roland Yoder | \$20.00 | 6/13/91 | 18-91 | \$5,000 | Extend Shed |
| G. Merle Hawn | \$10.00 | 6/20/91 | 19-91 | \$500. | Picni Pavilio |
| Eagle Excavation | \$20.00 | 6/24/91 | 20-91 | \$2,000 | Pole Building |
| Størret Watt | \$10.00 | 6/25/91 | 21-91 | \$300.00 | Porch |
| Caroline A. McGraw | \$20.00 | 7/3/91 | 22-91 | \$10,000 | Garge |
| James D. Henry | \$10.00 | 7/11/91 | 23-91 | \$1,000 | Storage/Garac |
| Jay Yoder | \$10.00 | 7/27/91 | 24-91 | \$500.00 | Utility Shed |
| Herbert Clinger | \$10.00 | 8/3/91 | 25-91 | \$900.00 | Pole Shed |
| Mary Dukeman <i>Box 582</i> | \$20.00 | 8/3/91 | 26-91 | \$2450.00 | Carport/sidi |
| Karl Raudensky | \$20.00 | 8/10/91 | 27-91 | \$30,000 | Cabin/camp |
| William Dickson | \$20.00 | 8/22/91 | 28/91 | \$6000.00 | Porch & Siding |
| T. Couch | \$10.00 | 9/9/91 | 29/91 | \$500.00 | Pavillion |
| Ron Wilson | \$20.00 | 9/9/91 | 30-91 | \$6000.00 | Extend Bedro |
| Wayne Mambeck | \$10.00 | 9/6/91 | 32-91 | \$800.00 | Porch |
| J. Edward Rudy | \$10.00 | 10/5/91 | 31-91 | \$989.00 | Shed |
| James Stewart | \$20.00 | 10/5/91 | 33-91 | \$10,000 | Living room |
| James E. Smith | \$20.00 | 10/20/91 | 34-91 | \$26,000 | Living Area |
| Gettys Ridge Club | \$20.00 | 10/22/91 | 35-91 | \$1,000 | Room |
| K. Monihen | \$20.00 | 10/28/91 | 36-91 | \$65,000 | Addition |
| Todd Bailey | \$10.00 | 10/31/91 | 37091 | \$500.00 | Mobile Home |
| <i>4 Nov</i> Robert Nicholl | \$10.00 | 11/1/91 | 38-91 | \$650.00 | Pole Barn |
| Norman Davis | \$20.00 | 11/5/91 | 39-91 | \$45,000 | House |
| Leroy Koch | \$10.00 | 11/15/91 | 40-91 | \$700.00 | Extend Pole barn |
| Phyllis Rogers | \$20.00 | 12/7/91 | 41-91 | \$7000.00 | Erect Trailr |
| Scott Wilson | \$20.00 | 12/11/91 | 42-91 | \$7800.00 | Erect trailr |
| Geraldine Hagans | \$20.00 | 12/13/91 | 43-91 | \$4500 | Siding |

| NAME | FEE | DATE | PERMIT | VALUE | PURPOSE |
|--------------------------|--------------------|---------|--------|-------------|----------------|
| Arthur Walters | \$20.00 | 1/21/92 | 1-92 | \$3,500.00 | Storage Shed |
| M. Dirk Borina | \$20.00 | 2/27/92 | 2-92 | \$38,900.00 | House |
| Dale Lightner | \$20.00 | 2/28/92 | 3-92 | \$1700.00 | Porch addition |
| Douglas Weaver | \$20.00 | 2/29/92 | 4-92 | \$40,000 | House & Garage |
| Eugene L. Barr | \$20.00 | 3/14/92 | 5-92 | \$2,500.00 | Porch & Siding |
| Willard Yoder | \$20.00 | 4/9/92 | 6/92 | \$1,700. | Mobile Home |
| David Kirk | \$20.00 | 4/11/92 | 7-92 | \$20,000.00 | House |
| Arthur & Frances Walters | \$20. | 4/13/92 | 8-92 | \$3,000. | Porch |
| Lee Dean | \$20.00 | 4/13/92 | 9-92 | \$24,000.00 | House |
| Kish Gun Club | \$20.00 | 4/15/92 | 9A-92 | \$29,400.00 | Camp |
| Thomas Sechler | \$20.00 | 5/26/92 | 10-92 | \$30,000. | House Addition |
| Gary Stainer | \$20.00 | 6/4/92 | 11-92 | \$16,000. | Garage & Barn |
| Janet McGrew | \$10.00 | 6/26/92 | 12-92 | \$900.00 | Porch |
| John Clickner | \$20.00 | 6/27/92 | 13-92 | \$50,000.00 | Family Room |
| Sam Bricker | \$20.00 | 7/3/92 | 14-92 | \$80,000. | House |
| Chester Wilson | \$10.00 | 7/7/92 | 15-92 | \$350.00 | Deck |
| Leo & Sharron Sable | \$10.00 | 7/29/92 | 16-92 | \$900.00 | Porch/Deck |
| Harold E. Goshert | \$10.00 | 8/1/92 | 17-92 | \$400.00 | Siding |
| Noel Reese | \$20.00 \$30.00 | 8/7/92 | 18-92 | 3,500 | Shed |
| Albert Hershey | \$10.00 | 8/20/92 | 19-92 | \$400.00 | Deck |
| Joseph Tine | \$20.00 | 8/20/92 | 20-92 | \$50,000 | House |
| Brain Bliss | \$10.00 | 8/21/92 | 21-92 | \$500.00 | Shed/wood sto |
| Homer Wagner | \$20.00 | 8/23/92 | 22-92 | \$2,000.00 | Trailer |
| Dennis Smith | \$20.00 | 8/24/92 | 23-92 | \$34,000.00 | Addition/house |
| Harvey Knepp | \$20.00 | 8/26/92 | 24-92 | \$1,500.00 | Porch |
| Harold E. Keller Sr | \$20.00 | 9/16/92 | 25-92 | \$22,000. | Double Wide |
| Harold E. Keller Jr | \$20.00 | 9/16/92 | 26-92 | \$2,400.00 | Garage |
| Gary/Laura Staines | \$20.00 | 9/21/92 | 27-92 | \$50,000.00 | House |
| Harry Riling | \$10.00 | 10/1/92 | 28-92 | \$400.00 | Deck |

| NAME | FEE | DATE | PERMIT | VALUE | PURPOSE/TAX MA |
|--|---------|-----------|--------|-------------|----------------------|
| Hugh Berg <i>see previous page</i> | \$20.00 | 10/1/92 | 29-92 | \$2,500. | Garage 22 |
| Barry Barao | \$10.00 | 10/15/92 | 30-92 | \$500.00 | Siding on Car |
| Charles Devinney | \$20.00 | 10/16/92 | 31-92 | \$20,000.00 | Bedroom Wing |
| James O'Bryan | \$20.00 | 10/21.92 | 32-92 | \$6,162.00 | Hay Storage |
| James Henry | \$20.00 | 12/3/92 | 33-92 | \$2,500.00 | Storage & Gar |
| Dwight A. Glick | \$20.00 | 12/3/92 | 34-92 | \$1,500.00 | Storage/Camp |
| <u>Richard Pletcher</u> | \$20.00 | 12/3/92 | 35-92 | \$5,000.00 | Garage |
| Richard Pletcher | \$20.00 | 1/4/93 | 1-93 | \$5,000.00 | Garage/Deck |
| Larry Smith | \$20.00 | 1/14/93 | 2-93 | \$13,446. | Garage |
| Samuel Keller <i>see previous page</i> | \$20.00 | 1/19/93 | 3-93 | \$1,500. | Mobile Home |
| Don Gibboney | \$10.00 | 2/4/93 | 4-93 | \$1,000. | Extend Store |
| Thomas Wilson | \$20.00 | 2/5/93 | 5-93 | \$15,000. | Mobile Home |
| Tom & Jo Merrell | \$20.00 | 2/9/93 | 6-93 | \$60,000. | Extend House |
| Whipple Dam Store | \$10.00 | 3/2/93 | 7-93 | \$850. | Extend Store |
| Betty Younker | \$10.00 | 4/5/93 | 8-93 | \$1,000 | Soffit etc |
| Wilber Foster | No Fee | 4/5/93 | 9-93 | None | Demolish Mobile Home |
| P. Cavazzi | \$20.00 | 5/7/93 | 10- 93 | \$2000.00 | Tool Shed |
| Stoney Lonesome | \$20.00 | 5/8/93 | 12-93 | \$1200.00 | Deck |
| Lee Knodel Jr | \$20.00 | 5/11/93 | 13-93 | \$1,200.00 | Deck & Sidin |
| Podger Keller | \$20.00 | 5/21/93 | 15-93 | \$6000.00 | Garage & Roof |
| Roland Yoder | \$20.00 | May/18/93 | 14-93 | \$6000. | Milkhouse |
| Donald Reever | \$20.00 | 5/21/93 | 14-93 | \$15,000 | Camp |
| Gary/Chris Wilson | \$20.00 | 5/25/93 | 17-93 | \$1,500.00 | Barn |
| William Stanbrough | \$10.00 | 6/14/93 | 18-93 | \$935.00 | Porch/Deck/s |
| Larry Smith | \$20.00 | 6/16/93 | 19-93 | \$52,401. | Extend House |
| Seth Richards | \$20.00 | 6/16/93 | 20-93 | \$1,200. | Storage Shed |
| Jean Dickson | \$20.00 | 5/8/93 | 11-93 | \$10,000. | Add Room |
| Patricia Rosdil | \$20.00 | 6/21/93 | 21-93 | \$68,000. | Erect House |

| NAME | FEE | DATE | PERMIT | VALUE | PURPOSE/TAX |
|-----------------|---------|---------|----------|-------------|-----------------------|
| Keller, Elwood | \$20.00 | 8/5/93 | 22-93 | \$2000.00 | Roof, Deck and Garage |
| Cibboney, Steve | \$20.00 | 8/7/93 | 23-93 | \$15,000.00 | Garage |
| Elliott, James | \$20.00 | 8/17/93 | 24-93 | \$20,000.00 | Build Camp |
| Bliss, Brian | \$10.00 | 8/21/93 | 25-93 | \$650.00 | Add Bedroom |
| Pouch, Dennis | \$10.00 | 8/22/93 | 26-93 | \$100.00 | Shed |
| R. Hockenberry | \$20.00 | 8/24/93 | 27-93 | \$140,000. | House |
| D. Maddox | \$20.00 | 9/8/93 | 28-93 | \$4300.00 | Deck |
| Roland Yoder | \$20.00 | 13/9/93 | 29-93 | \$4,000.00 | Heifer Pen |
| Samuel Keller | \$10.00 | 9/24/93 | 30-90 | \$1,000.00 | Mobile Home |
| Twin Pine Lodge | check | \$20.00 | 11/22/93 | 31-93 | \$10,000. |
| Richard Rudy | check | \$20.00 | 11/20/93 | 32-93 | \$2,000. |
| Thomas Wilson | cash | \$20.00 | 11/20/93 | 33-93 | \$1,500. |
| Judith Fleck | check | \$20.00 | 12/6/93 | 34-93 | \$1,058 |
| James W. Croyle | cash | \$20.00 | 12/14/93 | 35-93 | Extend House |

Finish 1993

| | | | | | | |
|-----------------------|------|---------|---------|------|----------|---------------|
| William Foster | cash | \$10.00 | 4/6/94 | 1-94 | \$300.00 | Shed Addition |
| Stone Creek Fire Hall | cash | \$10.00 | 4/14/94 | 2-94 | \$200.00 | Extension |
| Jr. Eschbach | cash | \$10.00 | 4/22/94 | 3-94 | \$200.00 | Porch/Shed |

10114

| NAME | CA. | FEES | DATE | PERMIT | VALUE | PURPOSE |
|-----------------------------------|------|---------|----------|--------|--------------|--------------|
| Drew Tomlinson | Chec | \$20.00 | 12/30/93 | 1-94 | \$20,000.00 | Addition |
| Ennisville Church | Chec | \$20.00 | 2/19/94 | 2-94D | Demolition | ----- |
| George Sunderland 7 March 1994 | Chec | \$20.00 | 2/19/94 | 3-94 | \$5,000.00 | Addition |
| William Foster | CA | \$10.00 | 4/6/94 | 1-94B | \$300.00 | Shed |
| Stone Creek Fire | NA | ----- | 4/14/94 | 2-94B | \$2500.00 | Addition |
| J. Eschenbach | CA | \$10.00 | 4/22/94 | 3-94B | \$500.00 | Porch |
| Richard Boonie | Chec | \$20.00 | 5/14/94 | 4-94 | \$9,800 | Porch/siding |
| Kish Bank | Chec | \$70.00 | 5/17/94 | 5-94 | \$109,000. | Bank |
| Stephen Black | Chec | \$60.00 | 5/24/94 | 6-94 | \$69,000.00 | House |
| Lonnie Dawes | Chec | \$70.00 | 5/24/94 | 7-94 | \$131,000. | House |
| Douglas Maddox | Chec | \$40.00 | 5/24/94 | 8-94 | \$25,000. | Addition |
| R. Schaeffer | Chec | \$60.00 | 6/2/94 | 9-94 | \$75,000. | House |
| Walnut Acre | Chec | \$15.00 | 6/3/94 | 10-94 | \$800.00 | Shed |
| Larry Narehood | Chec | \$30.00 | 6/8/94 | 11-94 | \$18,000. | Garage |
| 26.00 Daniel B. Wilson | Chec | \$20.00 | 6/20/94 | 12-94 | \$10,000. | Mobile Home |
| Mary Randolph | Cash | \$15.00 | 6/28/94 | 13-94 | \$300. | Siding |
| Ted Couch | Cash | \$15.00 | 7/11/94 | 14-94 | \$300.00 | Shed |
| Sam Keller Jr | Cash | \$50.00 | 7/14/94 | 15-94 | \$37,000.00 | Double wide |
| S. Stoltzfus | Chec | \$15.00 | 7/27/94 | 16-94 | \$5,500.00 | Porch |
| D.S. Feahley | Chec | \$40.00 | 7/31/94 | 17-94 | \$32,000.00 | Doublewide |
| George Vahoviak | Chec | \$70.00 | 8/10/94 | 18094 | \$110,000.00 | House |
| Daryl Stickler | Chec | \$20.00 | 8/11/94 | 19-94 | \$7000.00 | House |
| Leroy Koch | Cash | \$20.00 | 8/13/94 | 20-94 | \$9000.00 | House |
| Sondra Armstrong | Chec | \$20.00 | 8/19/94 | 21-94 | \$4600.00 | Porch/siding |
| Keith Hollinshead | Chec | \$30.00 | 8/19/94 | 22-94 | \$30.00 | House |
| Scott Wilson | Chec | \$15.00 | 8/21/94 | 23-94 | \$500.00 | Shed |
| Glenn Hawbaker | Chec | \$40. | 8/27/94 | 24-94 | \$25,000.00 | Kitchen |
| Daniel Tanner | Cash | \$20.00 | 9/4/94 | 25-94 | \$1600.00 | Shed/deck |
| Tom Wilson | Cash | \$60.00 | 9/15/94 | 26-94 | \$50,000.00 | House |
| Hawn (White) | Cash | \$20.00 | 9/16/94 | 27-94 | \$1,500.00 | Trailer |
| Corvin, Anita | Chec | \$20.00 | 9/21/94 | 28-94 | \$1,000.00 | Camp |
| David Freeman | Chec | \$20.00 | 9/21/94 | 29-94 | \$7,000.00 | Bedroom |
| Annette Givler | Chec | \$60.00 | 9/25/94 | 30-94 | \$75,000.00 | Bedroom, etc |
| Newall Crownover | Chec | \$20.00 | 10/13/94 | 31-94 | \$4,000.00 | Car Port |
| Paul Powell | Cash | \$20.00 | 10/18/94 | 32-94 | \$1,700.00 | Shed |
| Bruce Telega | Chec | \$20.00 | 10/18/94 | 33-94 | \$1,500.00 | Deck |
| John Couch | Chec | \$50.00 | 10/19/94 | 34-94 | \$45,000.00 | Double Wide |
| William White | Chec | \$20.00 | 11/7/94 | 35-94 | \$9,050.00 | Garage |

177-

| NAME | CA. | FEES | DATE | PERMIT | VALUE | PURPOSE |
|--|----------------------------|---|---|---------------------------------------|---|--|
| Harvey Knepp Van Dommelen J. McKinney | CA CH CA | \$60.00 \$15.00 \$20.00 | 1/9/95 1/30/95 1/30/95 | 1-95 2-95 3-95 | \$65,000.00 \$500.00 \$18,900 | Double wide Deck Mobilehome |
| Glenn Bailey Dayton Hostetter | CK CK | \$20.00 \$30.00 | 2/11/95 2/28/95 | 4-95 5-95 | \$3,000.00 \$16,500.00 | Mobile Home Mobile Home |
| Tonna-Rae Falston Louis Neiler Ralph Schlegelhiltch V. Stanbrough Gary Norland | CK CK CK CK CK | \$60.00 \$30.00 \$20.00 \$15.00 \$60.00 | 3/11/95 3/21/95 3/21/95 3/22/95 3/30/95 | 6-95 7-95 8-95 9-95 10-95 | \$62,000.00 \$18,000.00 \$8,000.00 \$900.00 \$70,000.00 | House Extend roof Restor Carport House |
| Levis E. McCarty T. Edward Rudy Dale Buchanan James Condon | CA CA CH CH | \$40.00 \$20.00 \$40.00 \$20.00 | 4/4/95 4/17/95 4/18/95 4/19/95 | 11-95 12-95 13-95 14-95 | \$35,968.00 \$1,650.00 \$40,000.00 \$4,000.00 | Doublewide Restore the Cabin Greenhouse |
| Christina Guyer Richard Horner David Corwin Carl Bickett | CA CA CK CK | \$20.00 \$20.00 \$70.00 \$20.00 | 6/6/95 6/9/95 6/22/95 6/24/95 | 15-95 16-95 17-95 18-95 | \$10,000.00 \$2,500.00 \$170,000.00 \$1290.00 | Mobile Home Shed House Repairs-etc |
| Frank Dean Jay Yoder Eliz. Wojdylak L. Lucabaugh | CK CK CK CK | \$15.00 \$20.00 \$20.00 \$30.00 | 7/11/95 8/5/95 8/5/95 8/5/95 | 19-95 20-95 21-95 22-95 | \$600.00 \$5,000.00 \$8,000.00 \$21,000.00 | Deck Shop Mobilehome Extend/etc |
| Marjorie Rudy Kevin Monihen Seth Richards | CA CH CH | \$15.00 \$15.00 \$20.00 | 8/18/95 9/1/95 9/1/95 | 23-95 24-95 25-95 | \$200.00 \$1,000.00 \$15,000.00 | Deck Shed Barn |
| Winchester Club S. Wense1 Lee Knode & Wm. Summers | CK CK | \$70.00 \$20.00 | 9/11/95 9/30/95 | 26-95 27-95 | \$106,000.00 \$10,000.00 | Rebuild Camp |
| Dirk Boring Gregory McHinney | CH CHAA | \$60.00 \$20.00 | 10/24/95 10/29/95 | 28-95 29-95 | \$60,000.00 \$2,900.00 | House MobileHome |
| John Randolph Tim Grove Rodney Scaeffre | CA CK CK | \$20.00 \$15.00 \$20.00 | 11/11/95 11/14/95 11/6/95 | 30-95 31-95 32-95 | \$1,900.00 \$900.00 \$1,000.00 | ColdFrame Repairs Barn |
| Michael Koch | CA | \$15.00 | 12/20/95 | 33-95 | \$500.00 | Shed |

| NAME | CA. | FEES | DATE | PERMIT | VALUE | PURPOSE |
|--|---------------------------------|---|---|---|--|---|
| E. Wojdylak | CK | \$20.00 | 1/12/96 | 1-96 | \$1,500.00 | Shed |
| Kenneth Miller George Vahoviak | CK CK | \$60.00 \$20.00 | 2/16/96 2/24/96 | 2-96 3-96 | \$50,000.00 \$4,000.00 | Camp Barn |
| Oscar Ryen Tom Sanker Tom & Jerry Camp | CA. CA | \$20.00 \$20.00 | 4/25/96 5/4/95 | 4-95 5-95 | \$9,500.00 \$1,200.00 | Cottage Bedroom |
| Eliz. Wojdylak Steve Fleck Peter Hadley | CK CK CK | \$20.00 \$20.00 \$70.00 | May 9, 96 May 9, 96 23 May 96 | 6-96 7-96 8-96 | \$8,875.00 \$1,500.00 \$150,000 | Pole Shed Bedroom House |
| Pat Wilson Tim Peachy Dixon, Brett Keller, Rodger Saunders, Richard Miller, Jay | CK X CK CK CK CK | \$15.00 None \$20.00 \$60.00 \$20.00 \$20.00 | 3 June 96 4 June 96 6/6/96 6/24/96 6/26/96 6/27/96 | 9-96 10-96 11-96 12-96 13-96 14-96 | \$600.00 NA \$15,000.00 \$80,000.00 \$7,000.00 \$1,200.00 | Storage Shed Demolish Bldg Bedroom House Garage Shed |
| Dean Laub Glenn Peachy Ricky Watt Wm & Betty White | CA. CK CK CK | \$20.00 \$20.00 \$20.00 \$70.00 | 6/28/96 7/1/96 7/17/96 7/233/96 | 15-96 16-96 17-96 18-96 | \$2,500.00 \$15,000.00 \$15,000.00 \$200,000.00 | Room Cabin Room & Deck House |
| Wilber Foster Mary Grove James Borina Steve Bubbee Ward Studebaker | CA CK CK CK CK | \$15.00 \$15.00 \$15.00 \$70.00 \$15.00 | 8-3-96 8-4-96 8-11-96 8-23-96 8-22-96 | 19-96 20-96 21-96 23-96 22-96 | \$400.00 \$500.00 \$700.00 \$280,000.00 \$1,000.00 | Shed Shed Porch House Deck & Carpor |
| William Brumbaugh Bertha Riling | CK CK | \$20.00 \$15.00 | 9-9-96 9/11/96 | 24-96 24-96 | \$2,250 \$500.00 | Garage Extend Barn |
| Allan Diehl Russell Koch | CK CK | \$15.00 \$30.00 | 11/15/96 10/14/96 | 26-96 27-96 | \$1342.99 \$20,000.00 | Storage Trailer |
| Michael Carowich | CA | \$20.00 | 12/5/96 | 28-96 | \$5,000.00 | Garage |

| NAME | CA. | fee | DATE | PERMIT | VALUE | PURPOSE |
|---|----------------------------|--|---|--|---|--|
| Drew Tomlinson Anna Stanbrough | CK CK | \$20.00 \$20.00 | 1/7/97 3/1/97 | 1-97 2-97 | \$15,000.00 \$1,500 | Kitchen Shed |
| Richard Fletcher Craig Grossman Ivan Kauffman Robert Guyer S. Wojdylak | CK CK CK CK CK | \$20.00 \$20.00 \$20.00 \$200.00 \$20.00 | 3/4/97 3/15/97 3/20/97 3/25/97 4/2/97 | 3-97 4-97 5-97 6-97 7-79 | \$1,000.00 \$10,000.00 \$7,000.00 \$2,000.00 \$8,000.00 | Porch Restore Camp Garage Porch |
| Suzanne Morland Daryl Stickler | CK CK | \$20.00 \$20.00 | 4/9/97 5/1/97 | 8-97 9-97 | \$12,000.00 \$7,000.00 | Horse Barn HOUSE/renew |
| William Stout Warren Long James Smolko Don Gibboney Mary Grove | CK CA CK CK CK | \$70.00 \$20.00 \$15.00 \$20.00 \$20.00 | 5/2/97 5/3/97 5/3/97 5/8/97 5/12/97 | 10-97 11-97 12-97 13-97 14-97 | \$310,000.00 \$15,000.00 \$800.00 \$6,300.00 \$8,900.00 | House Addition Shed Porch Laundry |
| Tom Wilson David Koch Pat Wilson | CA CK CK | \$60.00 \$20.00 \$15.00 | 5/29/97 5/31/97 6/17/97 | 15-97 16-97 17-97 | \$50,000.00 \$15,000.00 \$750.00 | House/renew Mobilehome Pavilion |
| George Vahoviak Larry Narehooch | CK CA | \$20.00 \$20.00 | 6/28/97 7/22/97 | 18-97 19-97 | \$2,000.00 \$5,000.00 | Equip Shed Garage |
| Steve Stoltzus Kevin Boonie Randolph/Rush George Sunderland | CK CK CK CK | \$60.00 \$20.00 \$20.00 \$20.00 | Aug 8 -97 Aug 9/97 8/15/97 8/28/97 | 20-97 21-97 22-97 232-25 | \$33,000.00 \$10,000.00 \$7,500.00 \$3,000.00 | Shop/Green Mobile Home Barn Roof On Deck |
| Dennis McClure Chester Wilson Scott Wilson | CK CK CK | \$20.00 \$20.00 \$40.00 | 9/15/97 9/21/97 9/22/97 | 24-97 25-97 26-97 | \$5,000.00 \$6,000.00 \$35,000.00 | Bedroom Mobile Home House |
| Bruce Kirkpatrick Hank Berg (A-1) Barry Barco Brian Bliss Duane Coy ENVIRONMENTAL CONST. | CA CK CA CK CK | \$20.00 \$20.00 \$15.00 \$15.00 \$20.00 | 10/11/97 10/14/97 10/15/97 10/16/97 10/19/97 CANCELLED | 27-97 28-97 29-97 30-97 31-97 32-97 | \$2500.00 \$2,000.00 \$950.00 \$200.00 \$1,5000.00 CANCELLED | Bedroom/shed Shed Shed Pole Shed Shed Pole Shed |
| Frank Dean Daniel Wilson Barbara Wilson | CK CK CK | \$15.00 \$15.00 \$20.00 | 10/23/97 11/11/97 11/11/97 | 33-97 34-97 35-97 | \$800.00 \$400.00 \$15,200.00 | Pole Shed Shed Mobile Home |
| Andrew Jone | CA | \$15.00 | 12/16/97 | 36-97 | \$90.00 | Shed |

| NAME 1998 | CA. | fee | DATE | PERMIT | VALUE | PURPOSE |
|--|-----|---------|----------|--------|--------------|---------------|
| Michael Stanbrough Jeff Bierly | CK | \$20.00 | 1/6/98 | 1-98 | \$1,500.00 | Pole Shed |
| | CK | \$70.00 | 1/28/98 | 2-98 | \$14,000.00 | House |
| George Sunderland | CK | \$20.00 | 2/4/98 | 3-98 | \$2,000.00 | Deck/steps |
| Bill Stanbrough Eagle Excavation Forrest Wills | CK | \$15.00 | 2/28/98 | 4-98 | \$500.00 | Shed |
| Forrest Wills | CK | \$20.00 | 3/4/98 | 5-98 | \$2,000.00 | Mobile Home |
| Donald P Walters | CA | \$20.00 | 3/11/98 | 6-98 | \$2,000.00 | Carport |
| Richard Horner | CK | \$15.00 | 3/20/98 | 7-98 | \$600.00 | Porch&roof |
| | CK | \$30.00 | 3/21/98 | 8-98 | \$20,000.00 | Carace |
| Harvey Wagner Getty Pidge Rod | CA | \$20.00 | 4/13/98 | 9-98 | \$5,000.00 | Basement |
| | CK | \$20.00 | 4/23/98 | 10-98 | \$4,000.00 | Porch |
| Robert Enyeart Daniel Kearns | CA | \$20.00 | 5/11/98 | 11-98 | \$10,000.00 | Pole Barn |
| | CK | \$20.00 | 5/15/98 | 12-98 | \$5,000.00 | Camp |
| Monty Claar | CK | \$70.00 | 6/25/98 | 13-98 | \$125,000.00 | House |
| Pussel Person | CK | \$70.00 | 6/25/98 | 14-98 | \$135,000.00 | House |
| Jack Price | CK | \$15.00 | 7/4/98 | 15-98 | DENOLISH | Mobilehome |
| Jeffrey Shoemaker | CK | \$20.00 | 7/11/98 | 16-98 | Poom addon | \$4,000.00 |
| Cindy Lauer | CK | \$70.00 | 7/11/98 | 17-98 | \$101,000.00 | Home |
| Judy Keller | CA | \$15.00 | 7/28/98 | 18-98 | \$800.00 | Porch |
| Robert Lynch | CK | \$20.00 | 7/29/98 | 19-98 | \$10,000.00 | Patio/sidinc |
| Kevin Boonie | CK | \$20.00 | 8/20/98 | 20-98 | \$1,000.00 | Shed |
| Glenn Hawbaker | CK | \$20.00 | 8/21/98 | 21-98 | \$10,000.00 | Garage |
| Jim Stewart | CK | \$20.00 | 8/27/98 | 22-98 | \$33,500.00 | Pole Barn |
| Ken Koch | CK | \$60.00 | 8/31/98 | 22-19 | \$50,000.00 | Doublewide |
| Richard Zeallor | CK | \$30.00 | 9/3/98 | 23-14 | \$20,000.00 | Addition |
| Larry Smith | CK | \$15.00 | 9/4/98 | 24-98 | Demolish | Trailer |
| Pauline Baker | CA | \$20.00 | 9/11/98 | 25-98 | \$3,000.00 | Garage |
| Cary O'Bryan | CK | \$20.00 | 9/14/98 | 26-98 | \$10,000.00 | Equip. Shed |
| Leroy Koch | CA | \$15.00 | 9/24/98 | 27-98 | \$400.00 | Carace-Ext. |
| Angela Hawn | CK | \$30.00 | 9/28/98 | 28-98 | \$23,800.00 | Extend house |
| Henry Berg | CK | \$20.00 | 10/13/98 | 29-98 | \$10,000.00 | Extend House |
| T. E. Pudy | CA | \$20.00 | 10/30/98 | 30-98 | \$12,000.00 | Garage |
| David Keller | CK | \$20.00 | 11/2/98 | 31-98 | \$3,500.00 | Porch-closeir |
| Jesse Stickler | CS | \$15.00 | 11/3/98 | 32-98 | \$500.00 | Mobile Home |
| Wesley Boonie | CA | \$20.00 | 11/4/98 | 33-98 | \$1,595.00 | Carport |
| Scott Pletcher | CK | \$20.00 | 11/8/98 | 34-98 | \$5,000.00 | Garage |
| John Albright | CK | \$30.00 | 11/20/98 | 35-98 | \$17,300.00 | Addition |
| Dwight Click | CK | \$15.00 | 11/24/98 | 36-98 | \$900.00 | Cuthouse |

| NAME | CA. | FEES | DATE | PERMIT | VALUE | PURPOSE |
|-------------------|-----|---------|-----------|--------|--------------|--------------|
| Pauline Weaver | CK | \$20.00 | 2/15/99 | 2-99 | \$3,500.00 | Porch |
| Huntingdon School | CK | \$70.00 | 2/15/99 | 1-99 | \$1,090,069. | Addition |
| Tom Loser/Crove | CK | \$70.00 | 2/24/99 | 3-99 | \$100,000.00 | Addition |
| Donald Lichtner | CK | \$60.00 | 3/22/99 | 4-99 | \$80,000.00 | House |
| Bill Stanbrough | CK | \$15.00 | 3/23/99 | 5-99 | \$300.00 | Porch |
| Richard Saunders | CK | \$30.00 | 30/Mar/99 | 6-99 | \$18,000.00 | Room |
| Daryl Sttickle | CK | \$15.00 | 3/31/99 | 7-99 | \$300.00 | Mobile Home |
| Jr. Exchenbach | CA | \$15.00 | 4/16/99 | 8-99 | \$400.00 | Shed |
| Michael Lorenz | CK | \$30.00 | 4/20/99 | 9-99 | \$19,000.00 | Addition |
| David/Ruth Koch | CK | \$50.00 | 5/1/99 | 10-99 | \$40,000.00 | Doublewide |
| Sue Hess | CA | \$20.00 | 5/13/99 | 11-99 | \$1,000.00 | |
| Samuel Keller | CA | \$20.00 | 5/15/99 | 12-99 | \$3,500.00 | Garage |
| Charles Yoat | CK | \$20.00 | 5/22/99 | 13-99 | \$2,000.00 | Shed |
| Room | | | | | | |
| Kenneth Kauffman | CA | \$15.00 | 5/25/99 | 14-99 | \$300.00 | Extend camp |
| Douglas Horst | CK | \$40.00 | 6/17/99 | 15-99 | \$35,000.00 | Extend House |
| Robert King | CK | \$40.00 | 6/21/99 | 16-99 | \$2,000.00 | Roof |
| Matt King | CK | " | 6/21/99 | 17-99 | \$10,000.00 | Garage |
| Harry Lehman | CK | \$50.00 | 6/25/99 | 18-99 | \$40,000.00 | Addition |
| James Peters | CK | \$20.00 | 7/14/99 | 19-99 | \$7,300.00 | Camp |
| Dan Wilson | CK | \$15.00 | 7/17/99 | 20-99 | \$500.00 | Shed |
| James Huckabaa | CA | \$20.00 | 7/31/99 | 21-99 | \$10,000 | Addition |
| Robert E Guyer | CA | \$15.00 | 8/4/99 | 22-99 | \$25000 | Canopy |
| Melissa Foster | CK | \$15.00 | 8/7/99 | 23-99 | \$500.00 | Porch |
| A-1 Auto | CK | \$20.00 | 8/25/99 | 24-99 | \$2,000.00 | Garageport |
| Donna Councill | NA | NA | 8/31/99 | 25-99 | NA | Demolition |
| Earle Hawn | CK | \$20.00 | 9/1/99 | 26-99 | \$9,000.00 | Rood/deck |
| Koch Kenneth | CK | \$15.00 | 1/9/99 | 27-99 | \$1,000.00 | Addition |
| Brain Bliss | CK | \$60.00 | 9/2/99 | 28-99 | \$50,000.00 | House |
| Barbara Wilson | CK | \$15.00 | 9/29/99 | 29-99 | \$500.00 | Porch |
| Jan Cramer | CK | \$20.00 | 10/2/99 | 30-99 | &8,000.00 | Shed |
| Timothy Hanna | CK | \$70.00 | 10/8/99 | 31-99 | \$175,000.00 | House |
| Richard Boonie | CK | \$15.00 | 10/25/99 | 32-99 | \$400.00 | Porch Roof |
| Stephen Stoltzfus | CA | \$30.00 | 10/30/99 | 33-99 | \$20,000.00 | Officed |
| Fauline Weaver | CK | \$20.00 | 11/10/99 | 34-99 | \$6,000.00 | Carce |
| David Houtz | CK | \$20.00 | 11/22/99 | 35-99 | \$1,528.70 | Carport |
| Joe Merrell | CK | \$30.00 | 11/22/99 | 36-99 | \$19,500.00 | Garage |
| Gloria Sendzik | CK | \$60.00 | 12/1/99 | 37-99 | &58,000.00 | Doublewide |

| NAME | CA. | fee | DATE | PERMIT | VALUE | PURPOSE |
|--------------------------|-----|---------|----------|--------|----------------|---------------|
| William Tuver | CA | \$20.00 | 2-17-00 | 00-1 | \$1,00.00 | Mobile Home |
| William Stout | CK | \$40.00 | 2-19-00 | 00-2 | \$29,000.00 | Barn |
| Joseph Foster | CK | \$20.00 | 3-1-00 | 00-3 | \$7,000.00 | Mobile Home |
| John R. Yonker | CK | \$50.00 | 3-14-00 | 004 | \$50,000.00 | Sidewide |
| Patrick Simmet | CK | \$20.00 | 3/31/00 | 00-5 | \$2,000.00 | Porch |
| Douglas Reid | CK | \$60.00 | 4/8/00 | 00-6 | \$65,000.00 | House |
| Ruby Dunlap | CA | \$40.00 | 4/17/00 | 00-7 | \$35,000.00 | Garage |
| <u>Jesse Bush</u> | CK | \$30.00 | 4/24/00 | 00-8 | \$20,000.00 | Pool |
| Norman Keller | CK | \$60.00 | 4/30/00 | 00-9 | \$67,300.00 | Doublewide |
| Robert Weaver | CK | \$50.00 | 5/4/00 | 00-10 | \$40,000.00 | Workshop |
| Mark Boring | CK | \$60.00 | 5/24/00 | 00-11 | \$80,000.00 | House |
| Jack Price | CK | \$20.00 | 5/27/00 | 00-12 | \$1,599.00 | Shed |
| William Brumbaugh | CA | \$20.00 | 6/1/00 | 00-13 | \$2,500.00 | Mobile Home |
| Dale Lichtner | CA | \$15.00 | 6/2/00 | 00-14 | \$200.00 | Shed |
| Kerry Miller | CA | \$20.00 | 6/13/00 | 00-15 | \$1,500.00 | Shed |
| Debra Kerr | CK | \$70.00 | 6/15/00 | 00-16 | \$190,000.00 | House |
| Charles Siebler | CK | \$40.00 | 6/19/00 | 00-17 | \$30,000.00 | Mobile Home |
| James Morris | CK | \$20.00 | 6/24/00 | 00-18 | \$4,500.00 | Bedroom |
| <u>J. Robert Jounker</u> | CK | \$15.00 | 7/1/00 | 00-19 | \$900.00 | Deck |
| William Foster | CK | \$15.00 | 7/6/00 | 00-20 | \$750.00 | Shed |
| Jesse Stickler | CK | \$20.00 | 7/10/00 | 00-21 | \$9000.00 | Mobile Home |
| Poy Augenstein | CK | \$70.00 | 7/21/00 | 00-22 | \$235,000.00 | House |
| Jeanne Price | CK | \$70.00 | 7/22/00 | 00-23 | \$35,000.00 | House |
| John Hewett | CK | \$20.00 | 7/27/00 | 00-24 | \$12,000.00 | Shed |
| Melissa Foster | CA | \$20.00 | 8/30/00 | 00-25 | \$1,500.00 | Room |
| Theodore Kock | CK | \$20.00 | 8/31/00 | 00-26 | \$2,000.00 | Barn |
| Joe Baker | CA | \$20.00 | 9/18/00 | 00-27 | \$ 3,000.00 | Mobile Home |
| Karl Aronson | CK | \$20.00 | 9/20/00 | 0028 | \$10,000.00 | Workshop |
| Karl Aronson | NA | NA | 9/20/00 | 0029 | NA | Demolish Barn |
| Donald DeArment | CK | \$20.00 | 9/25/00 | 00-30 | \$15,000.00 | Camp |
| William Koch | CA | \$20.00 | 10/3/00 | 00-31 | \$6,600.00 | Siding |
| Don Cibboney | CA | \$15.00 | 10/3/00 | 00-32 | \$700.00 | Deck |
| Paul Powell | CK | \$15.00 | 10/25/00 | 00-33 | \$900.00 | Porch |
| Mark McLaughlin | CK | \$70.00 | 10/27/00 | 00-34 | \$186,000.00 | House |
| A-1 Auto | CK | \$20.00 | 11/17/00 | 00-35 | \$1,000.00 | Mobile Home |
| Michael Yoder | CK | \$20.00 | 12/4/00 | 00-36 | \$2,000.00 | Storage Unit |
| | | | | | \$1,248,549.00 | |

| NAME | CA. | FEES | DATE | PERMIT | VALUE | PURPOSE |
|--|----------------|---|-------------------------------|------------------------|--|-------------------------------------|
| Raymond Tussey Tuckaway Tree Farm Thomas Henwood | CK CK CK | \$60.00 \$50.00 \$70.00 | 1/6/01 1/11/01 1/11/01 | 00-1 01-02 01-3 | \$65,000.00 \$46,000.00 \$400,000.00 | House Barn House |
| Donald Powell Allan Diehl | CA CK | \$15.00 \$60.00 | 2/14/01 2/27/01 | 01-4 01-5 | NA \$65,000.00 | Demolition of Camp Addition |
| Kevin Boonie Joel Menuez Dennis Rief | CK CK CK | \$60.00 \$40.00 (\$Since this was delinquent) | 3/31/01 4/10/01 5/17/01 | 01-6 01-7 01-8 | \$52,000.00 \$500.00 \$2,500.00 | House Deck Sheds |
| Stephen Stoltzfus Brian Bliss Stoney Lonesome Camp | CK CK CA | \$15.00 \$20.00 \$20.00 | 5/1/01 5/5/01 5/9/01 | 01-9 01-10 01-11 | \$5,000.00 \$1,000.00 \$1,100.00 | Garage Porch/Pavill Pavillion |

Law Office
HARVEY B. REEDER

19

504 Penn Street
Huntingdon, PA 16652

Phone: 814/643-3821

May 1, 2000

68 PS
1053

David B. Corneal, Esquire
1445 West College Avenue
State College, PA 16801

Re: John B. Hewett, Jr. and JoAnn F. Smith

Dear Mr. Corneal:

I am in receipt of your fax dated April 28, 2000. Please be advised that I represent John B. Hewett, Jr. and JoAnn F. Smith.

It is my understanding that there are some difficulties with the Township in obtaining subdivision approval. It is quite obvious to me that final settlement will not be able to take place on or before June 30, 2000.

My clients are not interested in any addendum to this Agreement and desire that the Agreement be terminated.

Accordingly, we would request that you return to us the down payment of \$4,000.00, together with the monthly payments totaling \$3,000.00 which have been made since November 7, 1999. We are returning the original map which you left with Mr. Hewett.

Should you have any questions, please feel free to contact me.

Sincerely yours,

Harvey B. Reeder

HBR:klb

Enclosure

cc: Mr. John B. Hewett, Jr.

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

3 DAVID B. CORNEAL AND SANDRA Y.
4 CORNEAL, Plaintiffs

5 VS

6 JACKSON TOWNSHIP, Huntingdon
7 County, Pennsylvania, W. THOMAS
8 WILSON, Individually and in his
9 Official Capacity as Supervisor
10 of Jackson Township, MICHAEL
11 YODER, Individually and in his
12 Official Capacity as Supervisor
13 of Jackson Township, RALPH
14 WEILER, Individually and in his
15 Official Capacity as Supervisor
16 of Jackson Township, BARRY PARKS,
17 Individually and in his Official
18 Capacity as Sewage Enforcement
19 Officer of Jackson Township,
20 DAVID VAN DOMMELLEN, Individually
21 and in his Official Capacity as
22 Building Permit Officer, ANN I.
23 WIRTH, Individually and in her
24 Official Capacity as Secretary
25 of Jackson Township, and
LARRY NEWTON, Individually and in
his Official Capacity as Solicitor:
to Jackson Township,
Defendants

NO. 1:00-CV-1192

JURY TRIAL DEMANDED

19 DEPOSITION OF: TERRY WILLIAMS, ESQUIRE
20 TAKEN BY: DEFENDANTS
21 BEFORE: NICOLE L. ZIMMERMAN
22 NOTARY PUBLIC
23 DATE: JULY 10, 2001, 10:08 A.M.
24 PLACE: THE DAYS INN
25 240 SOUTH PUGH STREET
STATE COLLEGE, PA 16801

MLP REPORTING, INC. (570) 748-1041

3

1 I N D E X

2 BY DEFENDANTS

EXAMINATION

3 TERRY WILLIAMS, ESQ.
By Mr. Sherr
4 By Ms. Montgomery

4, 63
60

5

6

7

8

9

10 E X H I B I T S

11 WILLIAMS' EXHIBITS

MARKED PRODUCED

12 No. 1 - Notice of Deposition and
and Subpoena

4 5

13 No. 2 - Court Order

12 12

14 No. 3 - Letter (11/10/2000)

27 27

15 No. 4 - Letter (2/5/2001)

54 54

16

17

18

19

20

21

22

23

24

25

MLP REPORTING, INC. (570) 748-1041

4

1 A P P E A R A N C E S:

2 ECKERT SEAMANS
3 BY: BRIDGET MONTGOMERY, ESQUIRE
4 LESLIE A. MALADY, ESQUIRE
5 213 Market Street, Eighth Floor
Harrisburg, PA 17101
FOR - PLAINTIFFS

6 MAYERS, MENNIES & SHERR, LLP
7 BY: ANTHONY R. SHERR, ESQUIRE
8 3031 Walton Road
Building A, Suite 330
P.O. Box 1547
Blue Bell, PA 19422-0440
FOR - JACKSON TOWNSHIP, MR. WILSON,
MR. YODER, MR. WEILER, MR. PARKS,
MR. VAN DOMMELLEN & MS. WIRTH

10 ALSO PRESENT: DAVID CORNEAL

1 STIPULATION

2
3 It is hereby stipulated by and between
4 counsel for the respective parties that sealing,
5 certification, and filing are waived, and that all
6 objections except as to the form of the question are
7 reserved to the time of trial.

8

9 TERRY WILLIAMS, ESQ., called as a witness,
10 being sworn/affirmed, testified as follows:

11 (Notice of Deposition and Subpoena premarked
12 Williams Exhibit No. 1.)

13

14 EXAMINATION

15

16 BY MR. SHERR:

17 Q Could you please state your full name for
18 the record?

19 A Terry James Williams.

20 Q Mr. Williams, my name is Tony Sherr. We
21 just met, we spoke before. I represent the Defendants,
22 other than Mr. Newton, in a lawsuit filed by David B.
23 Corneal and Sandra Y. Corneal, which is currently
24 pending in the United States District Court for the
25 Middle District of Pennsylvania.

MLP REPORTING, INC. (570) 748-1041

MLP REPORTING, INC. (570) 748-1041

1 We're here today to take your deposition.
2 You're familiar with depositions?

3 A Yes.

4 Q The only thing I would just like to stress
5 is that if you don't understand my question, please ask
6 me to clarify it, and that if you don't hear it, please
7 ask me to repeat it. If you answer the question, we're
8 going to assume that you both heard and understood the
9 question.

10 I've placed in front of you what I've had
11 marked as Williams Exhibit No. 1, which, for the
12 record, I'll state is a Notice of Deposition and a
13 Subpoena. Are you here today pursuant to the
14 deposition notice and subpoena?

15 A Well, to be candid, I don't know that I've
16 ever received these. I'm responding to Judge Rambo's
17 order and I think a telephone call from your office
18 telling me when you wanted to do the deposition. We
19 received the original subpoena that was served, these
20 were not, but...

21 Q Okay. The third page, the addendum to
22 subpoena, have you seen that before?

23 A I don't believe I have.

24 Q Have you seen Judge Rambo's order in
25 conjunction with your deposition today?

MLP REPORTING, INC. (570) 748-1041

1 Q Did you review any documents in preparation
2 for today's deposition?

3 A Probably when I got the first subpoena, I
4 went through the file -- no, wrong. When I got Judge
5 Rambo's order, I pulled the file and removed my notes
6 and things; but did I review for today, no.

7 Q Did you discuss, other than with
8 Mr. Corneal, today's deposition with anybody?

9 A Other than counsel.

10 Q When did you discuss today's deposition with
11 counsel?

12 A I think that's privileged.

13 Q When you discussed it with her?

14 A Yeah, I think.

15 Q And by counsel, you mean Bridget Montgomery?

16 A Yes.

17 Q Is she representing you here today?

18 A Yes.

(Mr. Corneal entered the room.)

20 MR. SHERR: Let the record reflect that the
21 Plaintiff, David Corneal, just entered the room.

22 BY MR. SHERR:

23 Q What's your business address?

24 A 720 South Atherton Street, State College.

25 Q And you're a member of a firm there?

MLP REPORTING, INC. (570) 748-1041

1 A Oh, yes, I've seen Judge Rambo's order.

2 Q And Judge Rambo's order referenced documents
3 that you were to produce?

4 A Yes.

5 Q I've been handed a number of documents by
6 Ms. Montgomery this morning. Where were these
7 documents from, where were these documents taken from?

8 A They're from my file.

9 Q Other than documents in your file, did you
10 search anywhere else for documents?

11 A No.

12 Q Do you have any other documents relative to
13 the request of Mr. Corneal's property other than what's
14 contained in your file?

15 A As to Judge Rambo's order, no.

16 Q There are other documents, but you believe
17 they haven't gone to third parties, is that --

18 A Oh, that's correct. I mean, I would have my
19 -- my file notes are not in the group that you have in
20 front of you.

21 Q But you don't believe that there are any
22 other documents other than what's been produced that
23 concerns Mr. Corneal's property in Jackson Township
24 which have been sent to third parties?

25 A No, they would all be in that file.

MLP REPORTING, INC. (570) 748-1041

1 A Yes.

2 Q What's the name of the firm?

3 A Miller, Kistler, Campbell, Miller, Williams
4 & Benson.

5 Q How long have you been practicing law?

6 A Twenty-eight years.

7 Q And do you have a particular specialty?

8 A Not as that term -- not as you
9 professionally understand that term like patent law or
10 anything like that, no. It's a general practice firm.
11 I spend most of my time concentrating in municipal
12 work, commercial litigation, business-related
13 transaction law.

14 Q What do you mean by municipal work?

15 A Well, I serve as a solicitor for a number of
16 municipalities and I represent a number of developer
17 clients, as well as provide zoning litigation
18 assistance to other attorneys.

19 Q When did you first become involved with
20 Mr. Corneal's property in Jackson Township?

21 A I don't know that I can give you a specific
22 date. Probably it would have been in November before
23 the first conference at the Huntingdon County
24 Courthouse.

25 Q Was it your understanding that an action had

MLP REPORTING, INC. (570) 748-1041